

OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE



JIM McDONNELL, SHERIFF

June 8, 2016

Deputy Joey D. Aguiar, #[redacted]

Dear Deputy Aguiar:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business June 29, 2016.

An investigation under IAB File Number 2329675, conducted by Men's Central Jail, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations and Orders, on May 9, 2016, you appeared in United States District Court and was found guilty to the felonious act of FALSIFICATION OF RECORDS, in violation of TITLE 18 U.S.C. §1519.2, as charged in Count 3 of the Indictment; thereby disqualifying you from continued employment as a peace officer for the County of Los Angeles, pursuant to Government Code Section 1029(a)(1).

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Eric G. Parra, on June 28, 2016, at 1400 hours, in his office,

which is located at 450 Bauchet Street, Room E826, Los Angeles, California 90012. If you are unable to appear at the scheduled time and wish to schedule some other time prior to June 28, 2016, for your oral response, please call Chief Parra's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Parra's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Parra's office by no later than June 29, 2016.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

John M. Roberts, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JMR:EGP:jr

cc: Advocacy Unit
Employee Relations Unit
Eric G. Parra, Chief, Custody Services Division – General Population
Internal Affairs Bureau
(File #IV2329675)

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service Since 1850

Disposition Worksheet

DATE: June 7, 2016

FILE: IAB #IV2329675

FROM: ERIC G. PARRA, CHIEF
CUSTODY SERVICES DIVISION:
GENERAL POPULATION

TO: JOHN M. ROBERTS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **JOEY D. AGUIAR**
DEPUTY SHERIFF #[redacted]
MEN'S CENTRAL JAIL

Upon consideration of the facts developed in this investigation, I have determined that **Subject Aguiar** shall be **DISCHARGED** for the reasons set forth in the attached documentation. This decision may be reconsidered based upon the employee's response.

Eric G. Parra, Chief — 6-7-16
Date

CASE REVIEWED BY PANEL MEMBERS:

RICHARD J. BARRANTES, ASSISTANT SHERIFF — 6-7-16
Date

KELLY L. HARRINGTON, ASSISTANT SHERIFF — 6/7/16
Date

TODD S. ROGERS, ASSISTANT SHERIFF — 6/7/16
Date

JIM McDONNELL, SHERIFF — 6-8-16
Date

ȷey D. Aguiar
Deputy Sheriff #[redacted]
Men's Central Jail
Custody Services Division
General Population

The evidence in this investigation **supports** the following charge:

1. That in violation of the Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations and Orders, on May 9, 2016, Subject Aguiar appeared in United States District Court and was found guilty to the felonious act of FALSIFICATION OF RECORDS, in violation of TITLE 18 U.S.C. §1519.2, as charged in Count 3 of the Indictment; thereby disqualifying him from continued employment as a peace officer for the County of Los Angeles, pursuant to Government Code Section 1029(a)(1).

SUMMARY

On or before August 1, 2016, Subject Aguiar has been ordered to surrender himself to the institution designated by the Bureau of Prisons to be imprisoned for a term of **EIGHTEEN (18) MONTHS,** thereby disqualifying him for continued employment as a peace officer for the County of Los Angeles, pursuant to Government Code Section 1029(a)(1).

There is no additional information which would alter the existing findings.

DISPOSITION:

Based upon the foregoing summary and facts, the following disposition is the recommended penalty, subject to revision upon receiving Subject Aguiar's response or grievance:

X_ Discharge
__ Reduction in Rank
__ Suspension with loss of pay and benefits for__days
__ Written Reprimand
__ No discipline recommended

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - COMPLAINT REPORT

DATE: OCTOBER 4, 2011

FILE NO.: 912-00039-2003-441

C: ASSAULT UNDER COLOR OF AUTHORITY, 149 PC

ACTION: ACTIVE / CASE OPENED

D: FEBRUARY 11, 2009 WEDNESDAY, 0950 HOURS

L: MEN'S CENTRAL JAIL
441 BAUCHET STREET
LOS ANGELES, CALIFORNIA 90012

I: WILLIAM T. CAREY, CAPTAIN, #[redacted]
INTERNAL CRIMINAL INVESTIGATIONS BUREAU
OFFICE OF THE UNDERSHERIFF

V: [redacted], MB/[redacted]
BOOKING #[redacted]

W: [redacted] MH/[redacted]

S-1: JOEY AGUIAR, MH/ADULT
DEPUTY SHERIFF #[redacted]
MEN'S CENTRAL JAIL
CUSTODY SERVICES DIVISION

S-2: MARIANO MANUEL RAMIREZ, MH/ADULT
DEPUTY SHERIFF #[redacted]
MEN'S CENTRAL JAIL
CUSTODY SERVICES DIVISION

S-3, 4, 5: UNKNOWN
DEPUTY SHERIFF
MEN'S CENTRAL JAIL
CUSTODY SERVICES DIVISION

On October 4, 2011, Internal Criminal Investigations Bureau Captain William Carey detailed Sergeant Gabrielle Graves and myself to investigate an allegation that Men's Central Jail Deputies Joey Aguiar, Mariano Ramirez, and three unknown deputy sheriffs assaulted inmate [redacted] by repeatedly punching and kicking him in the head, ribs and shoulders. This alleged assault occurred in a walkway in the 3500/3700 module at Men's Central Jail Deputies during the morning hours of February 9, 2009.

The facts of this case will be documented in confidential and subsequent supplementary reports under the above file number.

BY: SERGEANT ANTONIO J. GONZALEZ, #[redacted]
APPROVED BY: LIEUTENANT STEPHEN LEAVINS, #[redacted], 04-26-12, 1530 HOURS
INTERNAL CRIMINAL INVESTIGATIONS BUREAU
OFFICE OF THE UNDERSHERIFF

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTAL REPORT

DATE: APRIL 26, 2011

FILE NO.: 912-00039-2003-441

C: ASSAULT UNDER COLOR OF AUTHORITY, 149 PC

ACTION: ACTIVE / ADDITIONAL INFORMATION / INTERVIEWS CONDUCTED

D: FEBRUARY 11, 2009, WEDNESDAY, 0950 HOURS

L: MEN'S CENTRAL JAIL
441 BAUCHET STREET
LOS ANGELES, CALIFORNIA 90012

V: [redacted] BOOKING [redacted]

W: [redacted] MH/ADULT
CATHOLIC CHAPLAIN
[redacted]

S-1: JOEY DINIS AGUIAR, MH/ADULT
DEPUTY SHERIFF #[redacted]
MEN'S CENTRAL JAIL
CUSTODY SERVICES DIVISION

S-2: MARIANO MANUEL RAMIREZ, MH/ADULT
DEPUTY SHERIFF #[redacted]
MEN'S CENTRAL JAIL
CUSTODY SERVICES DIVISION

S-3, 4, 5: UNKNOWN
DEPUTY SHERIFF
MEN'S CENTRAL JAIL
CUSTODY SERVICES DIVISION

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The purpose of this supplemental report is to document the investigation into a claim made by Chaplain [redacted] that Sheriff's personnel may have assaulted an inmate, a violation of Assault under Color of Authority, 149 PC. This claim came to light in an American Civil Liberties Union (ACLU) declaration filed in the United States District

Court, Central District of California on September 28, 2011. The declaration by Chaplain [redacted] was dated September 3, 2011. The ACLU declaration alleged that Chaplain [redacted] witnessed an inmate being assaulted by deputy sheriff's in the 3500/3700 module on February 11, 2009.

On October 4, 2011, Internal Criminal Investigations Bureau (ICIB) Sergeant Michael Bailey provided Sergeant Gabrielle Graves and I with the following documents (**EXHIBIT A**):

- A copy of the ACLU declaration;
- A copy of the Use of Force and associated reports concerning this incident under file #009-00216-5100-145.

All of the interviews conducted in this investigation were digitally audio recorded in their entirety, unless otherwise noted.

On October 6, 2011, at 0937 hours, Sergeant Graves and I met with and interviewed Catholic Priest, Father [redacted] in the Religious Volunteer Services Office at Men's Central Jail, located at 441 Bauchet Street, in the city of Los Angeles. The interview is summarized as follows:

Father [redacted] told us that he has been a volunteer chaplain at the Men's Central Jail (MCJ) for almost twenty-five years. Additionally, he is the liaison/coordinator for all Catholic chaplaincy for all the Los Angeles County Sheriff's Department jail facilities. He usually volunteers at Men's Central Jail on Tuesdays, Thursdays, and Saturdays, and performs mass on Sundays.

I asked Father [redacted] to describe what a chaplain's responsibilities were when they volunteer at the jail facilities. He explained the chaplains do one-on-one counseling with the inmates. In the segregated housing modules, where the inmates cannot come to the chaplain offices, chaplains walk those modules every week. They go from cell to cell counseling inmates. Generally, there are one to three chaplains walking the modules at any given time. Usually, these walks are scheduled. The schedules are given to deputy personnel so they know when the chaplains will be inside the modules.

I informed Father [redacted] we were investigating an allegation of an inmate being assaulted by deputy sheriff's in the 3500/3700 module on February 11, 2009. I asked Father [redacted] if he had witnessed any incidents of force that deputies had used against inmates. He stated that in his twenty-four years at the Men's Central Jail Facility, he had not personally witnessed any uses of force by deputies against inmates.

Father [redacted] also stated he did not know of any incidents of alleged deputy abuse going unreported.

Father [redacted] told us that in July 2011, there was a meeting with the Catholic Bishop and the ACLU. He said that he was present during that meeting. He told the representatives from the ACLU that he would not support their efforts to initiate a lawsuit against the Sheriff's Department. He added, that he would support their efforts to take whatever information they had regarding Men's Central Jail to Sheriff Baca so that he could make the necessary changes to improve the facility.

Sergeant Graves and I concluded our interview of Father [redacted]

On October 7, 2011, I received a call from Attorney Michael Small informing me he was representing Chaplain [redacted] We made arrangements to meet for an interview on October 20, 2011.

On October 20, Sergeant Graves and I met with Attorney Small and was informed they would have to re-schedule the interview due to technical issues with their recording devices. We re-scheduled the interview to October 27, 2011.

On October 26, 2011, at approximately 1045 hours, Sergeant Gabrielle Graves and I met with and interviewed [redacted] a former inmate at Men's Central Jail. The interview took place at Mr. [redacted] home, located at [redacted] in the city of [redacted] The interview is summarized as follows:

I told Mr. [redacted] we were investigating an incident that occurred at Men's Central Jail where force was used against him. I asked him if he could recall the incident and he said he could. I asked him if he remembered the date of the incident. He told us he did not remember the date. I asked him if February 11, 2009, sounded familiar. He told us that was about the time he was incarcerated.

Prior to any questioning, Mr. [redacted] disclosed he had a mental condition. He told us he was bi-polar and suffered from paranoia schizophrenia. I asked him if he was currently on any medications. He told us he was taking [redacted] and a medication he could not remember the name of. He told us he was also taking blood pressure medication.

> **NOTE:** [redacted] are prescribed medications commonly used for managing various psychiatric aliments.

I asked Mr. [redacted] if he was currently seeing a psychologist or psychiatrist. He told us he was seeing a psychiatrist, Dr. [redacted] East in the city of Lancaster. I asked him if he had taken his medication today. He told us he had. I asked him if he felt capable to talk to us. He said he did.

I asked Mr. [redacted] to tell us what happened on the date of the incident. Mr. [redacted] told us it started that morning with two deputies. He said he could not remember their names, but one deputy was known around the unit "for putting the restraints on you and just

leaving you in the cell." He said that deputy would put the restraints on tight.

Mr. [redacted] told us just prior to this incident, he did not know what was going through his head. He told us he was in his cell and the deputy was walking down the tier. He got mad at the deputy and believed he threw three milk cartons at him (deputy). He did not know if the milk cartons hit the deputy, but believed they were full.

Mr. [redacted] told us later on that day, he received a pass. The deputy he threw the milk carton at earlier in the day came to his cell, put "shackles" (handcuffs and waist chain) on him, and left him in his cell. Approximately ten minutes later, a deputy let him out of his cell and escorted him to the sally port. Mr. [redacted] said "I'm shackled behind my back and I'm facing the wall and like five minutes go by with me standing on the wall. I mean no exaggeration, and then they both just attacked me."

> **NOTE:** The term **"sally port"** refers to a dual-gated security area within a jail facility designed to control ingress and egress to a specified area.

Sergeant Graves confirmed that when Mr. [redacted] said he was "shackled," he meant he was handcuffed. He said, "Yeah, but not just regular handcuffs." He told us the restraints were the ones that go around the waist (waist chained). He clarified his hands were secured at his sides by handcuffs and a waist chain.

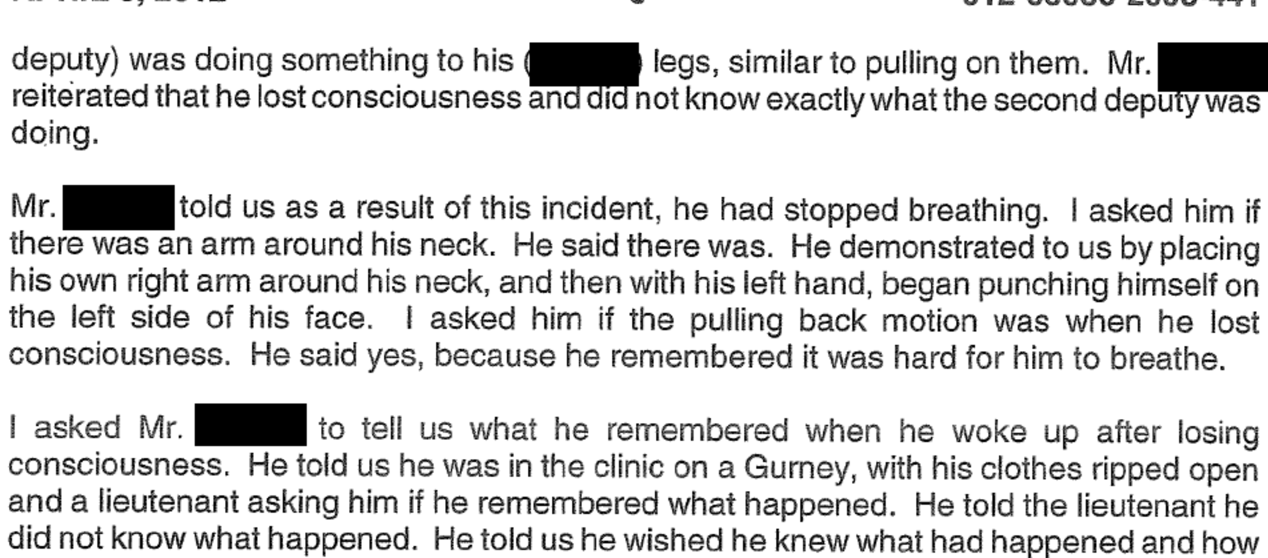
I asked Mr. [redacted] if the deputy said anything to him about the milk cartons when he put the waist chains and handcuffs on him. He said no, and said the deputy did not act like anything was wrong. He told us he knew he had done something wrong, but he did not know anything like the beating was going to happen.

Mr. [redacted] told us he was facing a wall and the deputies were on his left side. He added he could see both deputies clearly. I asked him how he could see them if he was facing the wall. He told us he had to turn his head. I asked him why he turned his head. He told us he had a feeling something bad was going to happen. He told us he "felt something" that day and the moment he looked at the deputies, they slammed his head into the wall.

Mr. [redacted] demonstrated a motion that he had been shoved by his shoulder and head causing his elbow to press against his body. I asked him if it was an elbow or a punch he just described. He told us once the deputy pushed his head into the wall, it caused his head to bounce off of the wall. He told us the second deputy was behind him and he did not know what he was doing other than hitting him.

I asked Mr. [redacted] to describe the first deputy that pushed his head against the wall. He told us he was an "older Mexican" deputy. He said this deputy punched him on the left side of his face. He told us at the same time, he felt like he was being choked and pulled backwards. This caused him to lose consciousness.

I asked Mr. [redacted] what the second deputy did during this time. He said he (second



deputy) was doing something to his ([redacted]) legs, similar to pulling on them. Mr. [redacted] reiterated that he lost consciousness and did not know exactly what the second deputy was doing.

Mr. [redacted] told us as a result of this incident, he had stopped breathing. I asked him if there was an arm around his neck. He said there was. He demonstrated to us by placing his own right arm around his neck, and then with his left hand, began punching himself on the left side of his face. I asked him if the pulling back motion was when he lost consciousness. He said yes, because he remembered it was hard for him to breathe.

I asked Mr. [redacted] to tell us what he remembered when he woke up after losing consciousness. He told us he was in the clinic on a Gurney, with his clothes ripped open and a lieutenant asking him if he remembered what happened. He told the lieutenant he did not know what happened. He told us he wished he knew what had happened and how long he had been unconscious.

Without being asked, Mr. [redacted] told us one of the involved deputy's name was Ortiz or something similar. He recalled one of the deputies looked like he could have been mixed with another race, because he had pale skin and light black hair. He told us if he saw him again he would be able to identify him. I asked him if he would be able to identify this deputy from a photograph. He told us he could.

I asked Mr. [redacted] to describe the two deputies involved in this incident. He told us the one he threw the milk carton at was possibly White, about 27 or 28 years old, 5' 10" tall, and weighed approximately 180 pounds. He was pale skinned, had "Indian features," black hair and thick eyebrows.

I asked him to describe the second deputy. He described him as a male Hispanic, in his mid 30's, 5' 10" tall, weighing approximately 180-190 pounds. He had a bald spot on the back of his head, salt-and-pepper hair and he possibly had green colored eyes. He told us he thought he was a "Senior" because he thought he had two stripes on his shirt sleeves.

> **NOTE:** The term **"Senior"** in the Los Angeles County jail system refers to a Supervising line deputy. Supervising line deputies are identified by having two stripes (chevrons) on each of their uniform shirt sleeves.

Sergeant Graves confirmed the White deputy was the one that handcuffed him and the Hispanic deputy pushed his head into the wall and punched him. He agreed. He added the Hispanic deputy was the one that grabbed him around the neck.

I asked Mr. [redacted] if he remembered his cell number. He said he did not. He said it could have been the second or third cell from the front. I asked him if he remembered which module he was housed in. He told us he was not really sure, but recalled it was on the 3000 Floor.

Mr. [redacted] told us that he was kind of "delusional" at the time of this incident and he really did not know what happened. He remembered being taken downstairs to the hospital and being photographed. He told us he did remember one of the deputies "snooping around" the hospital while he was there. He explained it appeared to him the "snooping" deputy was trying to find out what was going on.

I asked Mr. [redacted] if there was anybody else who could have seen what happened to him. He told us the deputy(s) in the sally port or in the "cage" (deputy's secured work station area) could have witnessed the incident. He recalled there had been two deputies working in the sally port area.

Mr. [redacted] told us he did not believe any inmates could have witnessed this incident.

Sergeant Graves asked Mr. [redacted] if he yelled out at any time during the incident. He said he may have, but he was not sure. He told us he had an old back injury he sustained when he had been hit by a car on August 1,1990. He added, most of his medical problems stemmed from that car accident.

Sergeant Graves asked Mr. [redacted] if the deputies aggravated his back injury when he was being pulled backwards. He said they did.

I asked Mr. [redacted] if he cursed at the deputies at any time. He told us if he had, it would have been when he threw the milk cartons at them. I asked him if he refused to come out of his cell. He said no. He said the only time he refused to come out of his cell was after this incident happened. I asked him if he ever resisted the deputies on the day of this incident. He said no.

I asked Mr. [redacted] specifically, if he ever told the deputies to "fuck off." He said no. He told me he was being honest with me and he was not an "asshole" and knew the county jail system from the time when Sherman Block was there. He told us he never had the reputation of "messing up" like that and "disrespecting" deputies. He told us throwing the milk cartons was a lot for him and it was probably the first time he had done anything like that or came close to assaulting the police.

I told Mr. [redacted] it was reported he attempted to head-butt one of the deputies. Mr. [redacted] told us he did not try to head-butt any of the deputies. I asked him if he tried to kick any of the deputies. He said no.

Sergeant Graves asked if there were any other inmates present when he was taken out of his cell. He said no. Sergeant Graves asked if there was anyone visible when he was at the sally port with the two deputies. He told us he did not see anyone else. Sergeant Graves asked him if he saw anyone else on the row prior to coming out of his cell. He said no.

I asked Mr. [redacted] if he ever saw any psychiatrists, lawyers or chaplains in his housing

area at MCJ. He told us he did not recall seeing any psychiatrists or lawyers in his housing area. He said he may have seen chaplains in his housing area. I asked him if there was a chaplain walking around on the day of this incident. He told us he could not remember any chaplains being in his housing area on the day of this incident.

Mr. [redacted] told us he had been assaulted in another incident at Twin Towers Correctional Facility approximately two weeks prior to this incident. The Twin Towers Correctional Facility incident will be documented in a separate investigation.

I asked Mr. [redacted] if everything he had told me was the truth. He said yes. I asked him if any part of what he had told me could have been exaggerated or been confused with other incidents. He said no. I asked him if he was positive about what he told us. He said yes.

Sergeant Graves and I concluded our interview of Mr. [redacted]

On October 27, 2011, at approximately 1420 hours, Sergeant Gabrielle Graves and I interviewed Chaplain [redacted] in an interview room at the Law Office's of Akin Gump, Strauss Hauer and Feld, located at 633 West 5th Street, in the city of Los Angeles. The interview is summarized as follows:

Present during the interview were Chaplain [redacted] attorneys **MICHAEL SMALL** and **ROBERT HUMPHREYS.** [redacted] is a Chaplain for the Catholic church and is assigned to the Men's Central Jail. Chaplain [redacted] had previously made written statements in the form of a declaration **(EXHIBIT A)** for the American Civil Liberties Union (ACLU) about allegations of an Assault Under Color of Authority, that happened at Men's Central Jail on February 11, 2009.

I informed Chaplain [redacted] that we were conducting an investigation of a use of force incident that occurred at Men's Central Jail and we learned he was a witness to the incident. I told him the incident was recorded by Sheriffs Department personnel in a "Use of Force Report" **(EXHIBIT B)** and there was a videotaped interview conducted with him, by two officials from the Los Angeles County Sheriff's Department. I asked him if he recalled the names of the Sheriff's personnel that interviewed him. He told us he could not remember the names, however, one of them was a lieutenant with a French sounding name. He told us it was "Labrue or Labrae." He told us Sergeant Barbosa was also present. I asked him if he had been interviewed by anyone else. He told us he had a meeting with Sheriff Baca, Michael Gennaco and Walter Katz from the Office of Independent Review on July 26, 2011.

I asked Chaplain [redacted] if he talked to someone from the ACLU. He told us he talked to them after he had the meeting with Sheriff Baca and Michael Gennaco. I asked him if he signed an affidavit that was made for him by the ACLU. He told us he did make a statement. I asked him if there was anyone else that he spoke to besides the Sheriff's

Department or the ACLU. He told us he talked to his spiritual director, his pastor, and the legal department from the archdiocese. I asked him if this is why he had an attorney. He explained that in some ways, it was because of the ACLU.

I showed him a copy of his declaration. I asked him if it was a copy of the document he signed for the ACLU and if it was a true and accurate document. He shook his head in the affirmative, indicating, yes.

I asked him if he remembered the date of the incident we were talking about. He told us it was Wednesday, February 11, 2009. I told him we had a document (Use of Force Report) corroborating the date of the incident. I asked him if he would tell us, in his own words, what happened.

Chaplain [redacted] told us he would usually walk the rows at about 2:00 P.M., however, that day he had to leave early. He went to the sergeant to ask permission to walk the rows in the morning. He said it was about 10:30 A.M. The sergeant told him he could and he went in with his cart (which contained bibles and religious material). He knocked on the door and one deputy came out. The deputy asked him where he wanted to walk and he told him he wanted to walk the 3700 module, starting at "A" row. The deputy opened the two gates and Chaplain [redacted] walked in. The deputy closed the gates and he began walking cell to cell. He told us the first inmate, next to the showers, was an inmate who had been released and returned to the jail. The inmate greeted Chaplain [redacted] so he started talking to him. He told us the inmates last name was [redacted] He spoke with Inmate [redacted] for approximately five minutes, when they heard some sounds like, "oh, oh." He said he walked over to the gates where he saw an inmate against the wall, one deputy to the right of the inmate, one deputy in the middle, and one deputy to the left of the inmate. The inmate was facing the deputies. All three deputies were punching the inmate in the face and the head.

Chaplain [redacted] told us the inmate was saying "please stop, stop." He said the deputies kept hitting him and saying "stop fighting." He said he never saw the inmate doing anything to the deputies. He added, the inmate's hands were at his side and the inmate never raised his hands to protect himself.

Chaplain [redacted] told us he did not see the inmate fighting the deputies. He told us the incident lasted approximately 40 seconds, when the inmate fell and struck his head on the floor.

When the inmate fell, two deputies, the one in the middle and the one to the left of the inmate, started kicking him as he lay on the floor. They continuously kicked the inmate in the head and the ribs.

Chaplain [redacted] said he was approximately 10 to 15 feet away from where the incident occurred. He told us he was standing in a poorly lit area and the deputies had their backs to him, so he believed they did not see him.

Chaplain [redacted] became visibly emotional as he recalled the incident. His voice trembled and he began to tear up. After a few moments he continued.

Chaplain [redacted] said he believed the deputies were still not aware of his presence at that time. He said the deputy that was standing to the right of the inmate, kneeled down and put his knee in the inmate's back and began punching the inmate with his fists. He punched the inmate in the neck and head area. The inmate was saying "please stop, stop." He said the deputies were yelling, "stop fighting, stop resisting." The deputies started kicking him again and after a while, there was silence. He said he did not hear any sounds from the inmate.

Chaplain [redacted] told us the deputy that was to the right became aware of his presence and froze. He told us he ([redacted]) was embarrassed and helpless. He said he tried to say something, but he couldn't because he was too afraid. The deputy alerted the other deputies to his presence, as they continued to kick the inmate in the head. The other two deputies finally saw him and they also froze. He said there was a another deputy, who was inside the booth, who was saying, "code 4, code 4!"

He said approximately three minutes after the assault, two additional deputies came in through the entrance to the dorm from the main hallway. They walked over to where the inmate was laying on the floor and kicked him. The three initial deputies tried to stop the last two deputies from assaulting the inmate. He said the last deputy, hit the inmate three times on his back as the inmate lay motionless. The last two deputies, became aware of Chaplain [redacted] presence and they froze.

I confirmed there were only five deputies present at the time. Chaplain [redacted] told us additional deputies responded. At one point, there were more than 20 deputies present. He said while he was still inside the tier, Senior Deputy Geske emerged from the deputies, walked to the gates, opened them, and asked him ([redacted]) to leave.

Chaplain [redacted] said he was afraid, sad, upset, and shaking. He said as he left, he slowly walked past the inmate as he lay on the floor. He saw blood near the inmate's head. As he slowly walked past the deputies, they did not say anything to him, but the way they looked at him made him feel afraid. He said as he was trying to leave the facility, he ran into Sergeant Barbosa. He said Sergeant Barbosa looked at him like he (Barbosa) was nervous. He said he told Sergeant Barbosa some of his guys (deputies) were in big trouble, and continued walking. He went to the chaplain's office where there was another chaplain, "Patricia." He told Patricia he felt really bad. Patricia asked him what was wrong, and he told her he could not stay there and he had to leave. He said he left the facility and went to his car.

Chaplain [redacted] told us that he tried to call his director (Father [redacted]). When Father [redacted] did not answer, he left a message. He was not able to contact Father [redacted] until later that night.

Chaplain [redacted] told us he explained what happened to Father [redacted] and he was told he had to write a report stating what he had witnessed. He said the next day, he returned to Men's Central Jail and went to Sergeant Barbosa's office. He said Sergeant Barbosa asked him what happened. He said he told him what he witnessed. He questioned Sergeant Barbosa about what happened and told him he hoped the deputies were telling him the truth. Sergeant Barbosa told him he spoke to one of the deputies and learned the incident was initiated when the inmate spat on one of the deputies. He told Sergeant Barbosa he did not know if that happened or not, but the "beating" was wrong.

Chaplain [redacted] said he told Sergeant Barbosa he (Barbosa) had to stop these incidents. Sergeant Barbosa told him he was going to talk to the deputies. He said Sergeant Barbosa told him he was sorry about the incident. He told us Sergeant Barbosa said he was going to give him a report, since he had to write one. He told Sergeant Barbosa he also had to give a report to his superiors and to the archdiocese. He told us Sergeant Barbosa didn't tell him anything else until he gave him his (Chaplain [redacted]) two page report (Part of Exhibit A). He told us that was when Sergeant Barbosa told him that he needed to interview him on videotape.

Prior to his interview with Sergeant Barbosa, he called the archdiocese, went to their legal department and explained the situation. He said they told him they would provide a lawyer for him, and he had to write a report because it was his ministry. Chaplain [redacted] was interviewed on videotape about eight or nine days later. He said he could not remember the exact date of the interview. He told us he was afraid the entire time he was being interviewed. He said near the conclusion of the interview, the lieutenant told Sergeant Barbosa to turn off the camera. Once the camera was turned off, the lieutenant asked him where was he and his family were from. He asked the lieutenant why he was asking those questions. The lieutenant told him it did not matter. He said he thought it was strange. The lieutenant told him he was sorry for what he had seen and they would be in contact with him. He was told they would let him know how the investigation was going and they would call him. He said he thanked the lieutenant, but he never heard anything after that.

Chaplain [redacted] told us he felt the incident was being covered up. He told us he was wondering how the inmate was doing and he only knew he was an African-American. He didn't know his name or what happened to him. I asked Chaplain [redacted] if anybody ever told him the name of the inmate, or if he ever found out. He told us that he did not.

I told Chaplain [redacted] that I had two page report (Part of Exhibit A) in front of me and showed it to him. I asked him if it looked like the report he typed and if he typed it. He said he did. I asked him if anyone typed it for him. He said, no.

Sergeant Graves asked if those were his words. He said yes.

I looked at his report and asked him if everything he wrote in his report, which was dated February 18, was accurate. I told him the date of the incident was February 11, seven days earlier. I asked him if his memory was accurate at that time. He said yes, even though he had a lot of things on his mind. He told us he had gone to a psychologist and he had therapy, but the thing that got to him was that nobody cared about what happened to him ([redacted]). The lieutenant never asked him if he needed any help with anything, or if there was anything they could provide for him. All they said was they would let him know what was going on. He told us he could not sleep, he was having nightmares, and it was effecting him a great deal. He told us when he was working on his report, he had to go to the psychotherapist.

I asked Chaplain [redacted] if he was doing better now. He told me when he recalls the incident, he feels very bad.

I asked Chaplain [redacted] about the five deputies he said assaulted the inmate in his declaration to the ACLU. I told him he had named a few of the deputies and asked if he knew the names of the other deputies that were involved. He told us he did not.

Sergeant Graves asked if he had ever seen them before. He told us, no. He told us when he worked, he did not have much contact with the deputies. He told us he knew some of the deputies because they were at the places where he usually worked and they are still assigned there. He told us he knew some of the deputies and they knew him and would greet him, but sometimes they were in the booths and they just opened the gates for him. He told us he knew them by sight, but not their names.

I asked Chaplain [redacted] if I showed him photographs, would he be able to identify the five deputies that were there on the date of the incident. He told us after two years and eight or nine months, he didn't really know if he could identify anyone. He told us the names of the deputies who was there should be in his report. I explained I was trying to be positive about who was there. I explained there are usually many people with the same last names and I wanted to show him pictures of the deputies, to see if he could identify those that were involved. I asked him if he could remember them. He told me he would try.

I told Chaplain [redacted] that in his declaration, he named two deputies (Aguilar and Ramirez). He said out loud, "Aguilar and Ramirez." I told him he also wrote Senior Geske's name. I asked him if Senior Deputy Geske did anything improper. He said no.

> **NOTE:** During the interview of Chaplain [redacted] the name "Aguilar" was used to describe Deputy Aguiar. This was done as most people mistake Deputy Aguiar's name as Aguilar. Our investigation revealed Deputy Aguiar #[redacted] was the deputy present during this incident.

Sergeant Graves asked Chaplain [redacted] about when he passed by the inmate, if he noticed if the inmate was handcuffed or not. He said he did not see his hands out

away from his body. He told us the inmate did not try to protect himself or cover up, even when he fell and was on the floor. He said the inmate never put his hands up. Sergeant Graves asked if the inmate was face down. He said he was.

I asked Chaplain [redacted] if he saw any chains or handcuffs. He said he did not see any. I told him the reason I was asking was because in his declaration, he said he assumed the inmate was handcuffed. I told him assuming he was or was not handcuffed was a challenge to prove and I needed to be sure. He told us he could not be sure, however, he never saw the inmate's hands up. I asked him if that was why he believed the inmate was handcuffed. He said, "Yes, because usually on that row, when they take or move the people, they always go in chains, always."

I told Chaplain [redacted] he named Deputy Ramirez and Deputy Aguilar. I asked him to tell me what Deputy Ramirez did. He told us they were the ones that were closest in the beginning. I asked him if they were two of the initial three deputies. He said yes, both of them were.

I asked Chaplain [redacted] to tell me what he saw Ramirez do. At this point, Chaplain [redacted] began stumbling his words and was not making sense. He started to say things similar to: well, really its uh; you know this thing made me; I know because they were in that; after that they were still working there; this precisely, this thing comes to me; I can't think, I don't know.

At this time, I could see Chaplain [redacted] was becoming emotional again. I told him I wanted him to try to relax. I asked him to describe what Deputy Ramirez looked like. He told us he was light skinned. Sergeant Graves asked if he was a male Hispanic. He said yes, and added Aguilar was Hispanic also.

Sergeant Graves asked Chaplain [redacted] to describe Deputy Ramirez. She asked if he was younger or older. He said he was probably in his 20's, close to his 30's. I asked if he was tall or if he was short. He said he was about 5'5" tall. Sergeant Graves asked how tall Deputy Aguilar was. He told us 5'5" or 5'4" tall. We asked him to compare the deputies to his height and he showed us with his hand above his head, about two (2) to three (3) inches. I asked him if 5'7" tall sounded reasonable, and then asked the attorneys if that sounded reasonable. They said yes. I asked about Deputy Ramirez' weight. If he was thin, medium or heavy build. He indicated he was muscular because he looked like his arms were big.

I asked Chaplain [redacted] if Deputy Ramirez had a mustache, or was clean-shaven, and about his hair, short, combed back, clean-shaven, etc. He told us he did not recall facial hair and he had short hair. I asked if he saw any tattoos. He told us he did not see any. I asked if he had any moles or anything distinguishable. He said no.

I asked Chaplain [redacted] to describe Deputy Aguilar and asked his age. He told us he thought Deputy Aguilar was also in his late 20s. I asked about his height compared

to him. He said he was probably the same height, more or less. I asked him how would he describe his physical build. He said he was in good shape. I asked if he was thin, medium, or big. He said he was medium. I asked about his hair. He said, short, and they all had short hair. I asked about the third deputy, and if he could remember if he was Hispanic or if he was White. He told us he couldn't remember. He said he was light-skinned. I asked if he heard him speak. He said no. I asked if anybody had an accent. He said, no.

I confirmed those were the three deputies that initially assaulted the inmate, and confirmed that two more deputies came in afterward. I asked him if he could describe the two additional deputies and he told us he thought one of them was white. He told us the other one was also in his mid 20's and they looked young. I asked about their heights and he told us they were all about the same size. He said they all looked like they were in good shape. I asked if there was anyone who stood out because he was big or fat or because he was muscular. He said no. I asked him if there was anything special about them he could remember. He said no. He said there was another one, who had light color skin, but he didn't know if he was White or Hispanic. He told us that deputy may have had brown or blonde hair.

I asked Chaplain [redacted] if those were the five deputies he saw hitting the inmate. He said, yes. I asked him if at any time, did he see the inmate fight back. He said, no. I confirmed he heard the inmate say something similar to stop. Chaplain [redacted] replied, "He said, stop, please!" I asked if that was in the middle, or the end of the assault. He told us it was when the inmate was against the wall. He told us the inmate said it two more times after he fell to the ground. I asked him if he was positive that once the inmate was on the floor, he heard him say that. He told us that was the only thing he could remember the inmate saying. I asked him if the words where clear to him, or if it sounded like that was what he was saying. He said it was clear to him because he said it at least two more times, "Stop, please stop, please." He said the deputies were still kicking him and still saying, "Stop fighting, stop resisting." He told us the deputy who was inside the security bars was calling out, "Code 4, code 4."

I asked Chaplain [redacted] about Deputy Ramirez assaulting the inmate and if he was punching and kicking or just punching him. He told us he was punching him in the body and in the face. I asked if the three deputies were punching the inmate when he was against the wall and if they were all punching him in the body and the face, or anywhere else. He told us they were punching him all over.

Chaplain [redacted] told us he could not remember which deputy saw him, but it was not Ramirez. I asked him if he knew who that deputy was. He said, no.

I asked Chaplain [redacted] if he could tell me where Deputy Aguilar might have been standing, to the right, the left or in the middle. He said he did not know. I asked which deputy had his knee on the inmate. He said it was the deputy that he did not know. We then referred to him as deputy #3. I asked him if he was the one with the knee in the

inmates back. He said yes. I asked him if he was also punching and kicking the inmate when the inmate was standing. He said yes. He added, when deputy #3 had his knee in the inmate's back, he (deputy #3) was only punching him (inmate).

I asked Chaplain [redacted] if the two deputies that ran in later (referred to as deputies #4 and #5), kicked and punched the inmate, or just kicked the inmate. He told us they were just kicking the inmate. He told us the last deputy stomped the inmate on his spine.

I asked Chaplain [redacted] if he ever found out the names of the other deputies (#3, #4, and #5). He shook his head in the negative (no). I asked if he knew anyone, other than Deputies Ramirez and Aguilar, and how he found out their names. He told us when the incident happened, it was near the inmate worker dorm. He told us he remembered there was an inmate worker sitting close to the door. He told us the next time he walked the cell rows, about two weeks later, he was talking to inmate [redacted] He told us [redacted] told him one of the inmate workers gave inmate [redacted] the names of the two deputies.

I asked Chaplain [redacted] if he saw the inmate fall down to the floor, or if he was taken down. He told us he fell. I asked if the inmate fell face first. He said, yes and motioned with his face going down. I questioned him about the how long the event lasted. He said it lasted approximately 3 minutes.

I asked Chaplain [redacted] about Sergeant Barbosa telling him the inmate was assaulted because he spat on the deputies and according to his statement, Sergeant Barbosa didn't believe the inmate spat on the deputies. I asked him if that was what he remembered Sergeant Barbosa saying. He told us he thought Sergeant Barbosa said, "I don't believe it." He said he told Sergeant Barbosa he didn't believe it either.

Prior to meeting with Chaplain [redacted] I assembled a series of seven photographic line-ups **(EXHIBIT C)**, consisting of six photographs, numbered 1 through 6, containing photographs of six similar looking individuals. The line-ups were numbered A-1, R-1, P-1, LL-1, MM-1, E-1, and N-1.

I admonished Chaplain [redacted] regarding the photographic line-up procedures by reading a photographic line-up admonition to him. Chaplain [redacted] acknowledged his understanding of the admonishment by reading and then signing the form.

I presented line up # A-1, containing a photograph of **Deputy Aguiar** in the # 4 position. I asked Chaplain [redacted] to look at the photographs and tell me if there was anyone there he recognized. He looked at the photographs for a few seconds and said, no. I asked him to write "no ID" in the comments section.

I presented line up # R-1, containing a photograph of **Deputy Ramirez** in the # 2 position. I asked him if there was anyone there he recognized. He looked at the photographs for a few seconds and said, no. I asked him to write "no ID" in the comments section.

I presented line up # P-1, containing a photograph of **Deputy** [redacted] in the #4 position. He looked at the lineup and quickly said, "No." I asked him to write "no ID" in the comments section.

I presented line up # LL-1, containing a photograph of **Deputy** [redacted] in the #5 position. I watched him look at the photographs and he said, "Not really."

Chaplain [redacted] told me it was really hard for him. I told him I wasn't trying to insult him, however, I had noticed he was wearing glasses. I asked him if his vision was impaired at all, and if he could see the pictures clearly. He said, yes. I then asked him to write "no ID" in the comments section.

I presented line up # MM-1, containing a photograph of **Deputy** [redacted] in the #3 position. I looked at him and saw him shake his head, indicating no. I asked if anyone was even close and he said, no. I asked him to write "no ID" in the comments section.

I presented line up # E-1, containing a photograph of **Deputy** [redacted] in the #4 position. I watched him look at the photographs and he said, no. I asked him to write "no ID" in the comments section.

I presented line up # N-1, containing a photograph of **Deputy** [redacted] in the #1 position. I handed him the photo lineup, he looked at it and again said, no. I asked him write "no ID" in the comments section.

I told Chaplain [redacted] that concluded our photographic line-ups. After removing all of the photographs, I asked him if they had jogged his memory of any of the deputies that were there. He said, no. He told us it was hard for him to recognize the deputies without their uniforms and in the photographs, they had short hair cuts. He told us he couldn't identify anyone.

I asked Attorneys Small and Humphreys, if there was anything they wanted to add, or if they had any questions. They told us they did not.

Sergeant Graves asked Chaplain [redacted] if he had any questions. He said, no.

Sergeant Graves and I concluded our interview of Chaplain [redacted]

On November 9, 2011, at approximately 1500 hours, Sergeant Gabrielle Graves and I met with and interviewed [redacted] again, a former inmate at Men's

Central Jail, at his home, located at [redacted] The interview is summarized as follows:

We had previously interviewed Mr. [redacted] on October 26, 2011, regarding this investigation. I informed Mr. [redacted] we were continuing our investigation and we were going to present a photographic line-up of some of the people that may, or may not have been involved in the incident.

I asked Mr. [redacted] if he had any questions or if anything had come up since the last time we talked. He said, no. I asked him if he had seen a doctor regarding his injuries since the last time we saw him. He told us he thought he saw his psychiatrist. I asked him why he saw his psychiatrist. He told us it was just for his regular appointment.

Prior to meeting with Mr. [redacted] I assembled a series of seven photographic line-ups **(EXHIBIT D)**, consisting of six photographs, numbered 1 through 6, containing photographs of six similar looking individuals. The line-ups were numbered A-1, R-1, P-1, LL-1, MM-1, E-1, and N-1.

I admonished Mr. [redacted] regarding the photographic line-up procedures by reading a photographic line-up admonition to him. Mr. [redacted] acknowledged his understanding of the admonishment by reading and then signing the form.

I asked him if he understood everything I read to him. He said yes. I asked him if he had any questions about what I read to him. He said no. I told him he was under no obligation to pick anyone and I didn't want him to guess, however, if he saw someone he recognized, to be positive about it and let me know, and if he wasn't 100% sure, to let us know as well.

I presented Line up # A-1, containing a photograph of **Deputy Aguiar** in the #4 position. He looked at the photographs and told me there was no one there he recognized. I asked him to write "no ID" in the comments section.

I presented Line up # R-1, containing a photograph of **Deputy Ramirez** in the #2 position. He looked at the photographs for a few seconds and told us he did not see anyone he recognized. I asked him to write "no ID" in the comments section.

I presented Line up # P-1, containing a photograph of **Deputy** [redacted] in the #4 position. I asked him if there was anyone there he could identify. He said no. I asked him to write "no ID" in the comments section.

I presented Line up # LL-1, containing a photograph of **Deputy** [redacted] in the #5 position. I asked if there was anyone there he could identify. He said no. I asked him again to write "no ID" in the comments section.

I presented Line up # MM-1, containing a photograph of **Deputy** [redacted] in the #3 position. He looked at the line-up and I asked him if there was anyone there he could identify. He said no. I asked him to write "no ID" in the comments sections.

I presented Line up # E-1, containing a photograph of **Deputy** [redacted] in the #4 position. I watched him look at the photographs and asked him if there was anyone there he could identify. He nodded his head no, and I asked him to write "no ID" in the comments section.

I presented Line up # N-1, containing a photograph of **Deputy** [redacted] in the #1 position. I handed him the photographic line-up and told him in the line-up that I was showing him, everyone had beards and to try to imagine those people without beards. I told him he could cover up the bottom of the face to hide the beard if he wanted to. He looked at the photographs and told us there was no one there he recognized. I asked him to write "no ID" in the comments section.

This concluded the photographic line-up.

I asked Mr. [redacted] if there was anyone that possibly looked familiar to him. He told us there was only one that looked familiar to him, and that was on the very first page. I asked him if he would like to look at it again. He said yes, and that he would show me. He told us that was the only one that looked familiar.

I then handed Mr. [redacted] line-up A-1 again. Line-up A-1 containing a photograph of **Deputy Aguiar** in the #4 position. He told us the person in position #4 looked like the second officer, the one he threw the milk carton at. He told us he looked thinner in the photograph and his hair was shorter, but it looked like him. I asked him if he believed he was the deputy and he told us that he couldn't say that 100%.

Sergeant Graves asked him to tell us on a scale of 1 to10, 10 being the highest. He said he would go "maybe 5." Sergeant Graves said, "So 50-50," and he said, "Yes ma'am."

I gave Mr. [redacted] the admonition form for line-up A-1, and asked him to write what he told me in the comments sections. I watched Mr. [redacted] write in the comments section and saw he wrote, "He looks thinner, but looks like the officer I threw milk at." I then asked him to write where he originally wrote "no ID," and write his initials at the end, so we would know it was the second viewing.

I asked Mr. [redacted] to draw a circle around the #4 on the photograph of the individual in the #4 position. I then asked him to write a "4" in the section that read: "I have identified an individual, he/she is number:" I asked him if he thought his identification was 50%. He said it was 50%. I then asked him to write the number 50% in the same section.

I asked Mr. [redacted] if he had any questions of us. He said no.

Mr. [redacted] then told us he wasn't sure if he told us before, but he had a cousin that worked for the Sheriff's Department. I asked him for his cousin's name. He said it was [redacted] I asked him if he knew where he worked. He told he thought he was still in the county jail. I asked him if he knew his cousin's age. He told us he was probably in his late 40's. I asked when the last time was he saw him. He told us he saw him when he was in the county jail. I asked him if he saw his cousin when this incident happened. He told us he saw is cousin ([redacted]) when he was walking to see the doctor. I asked him if this was after the use of force incident occurred. He told us it was when he was going to see the medical staff.

Sergeant Graves asked if it was the same day of the incident. He told us it was not the same day. He told us he passed out, but he thought it was a different day, possibly the next day.

I asked Mr. [redacted] if his cousin ([redacted]) recognized him. He said they made eye contact, but they did not speak to each other.

Sergeant Graves and I concluded our interview of Mr. [redacted]

On November 9, 2011, at approximately 1435 hours, Sergeant Gabrielle Graves and I met and interviewed [redacted] at her home located at [redacted] The interview is summarized as follows:

We had previously interviewed [redacted] husband, [redacted] a former inmate at Men's Central Jail, and were conducting a follow up interview regarding what he may have told her about the incident.

I asked [redacted] to tell us what she heard from her husband and what she knew about the incident. She told us after he was released from jail, he told her a little bit about getting handcuffed and getting kicked around in a cell. She told us he didn't tell her too much about the incident. She told us she had been going to San Fernando Court for his case, however, he was always missing. She would ask the bailiffs why he was not in court and they would only tell her he was not on the bus.

I asked Ms. [redacted] if she remembered when this occurred. She told us she thought it was in February of 2009. She told us she kept going to the court for about two weeks and finally saw him. I asked Ms. [redacted] what her husband looked like when she saw him in court. She told us he had a Band-Aid on his forehead. I asked if that was all she saw and she hesitated and said yes. I asked her if he was acting normal at that time. She told us he was not himself. I asked her how he was different. She told us he was "zoning out" and was "not all there." She told us he was not listening to the judge and the bailiff had to tell him several times to get up. She said it was as if he was in a depressive mode because of the bipolar schizophrenia. She told us she believed they did not have him on the correct medication. She told us she had also noticed his unusual behavior when she visited him on a few occasions.

She told us he was released a few weeks later and she had to take six stitches out of the left side of his forehead.

I asked Ms. [redacted] if Mr. [redacted] told her how he received the stitches. She told us she could not remember. Sergeant Graves asked her to tell us to the best of her recollection. She told us at first, her husband did not tell her what happened other than he had "gotten into a scuffle in jail." When she was taking the stitches out of his head, he told her he had been beaten up by deputies. Sergeant Graves asked Ms. [redacted] if she took the stitches out the day her husband was released from jail. She told us they were not ready to come out, because he was still healing. She estimated it was at least a week after his release.

I asked Ms. [redacted] if Mr. [redacted] described how he was assaulted. She told us he said he was handcuffed and knocked out, and was unconscious for a couple of hours. I asked her if there was anything else he told her about the incident. She said no.

I asked Ms. [redacted] if her husband had psychological issues. She said, yes. I asked her what those psychological issues were. She told us he was bipolar and schizophrenic. I asked if he took medications. She told us he did. I asked her if he was taking medication while he was in custody. She told us he was, however, they were not giving him the correct medications. She told us she and Mr. [redacted] have been together a long time and she knew his psychological pills. She knew when they were changed, there were periods of when they really shocked his system, so she knew he was not himself.

Sergeant Graves asked Ms. [redacted] if there was anything in addition to the stitches that she saw that would have alerted her to the fact her husband had been assaulted. She told us she thought he still had scars on his wrist from handcuffs and they had dug into his skin. She told us it appeared to be a really deep cut. I asked which wrist and she told us it was on both of them.

Ms. [redacted] told us his hand was injured as well. She told us his left hand was wrapped with a white gauze to keep it from moving. She thought he had broken a bone or something similar.

Sergeant Graves asked Ms. [redacted] if her husband had seen a private doctor since his release from jail. She told us he had not because at the time, they did not have a doctor and were in the process of trying to get one.

Sergeant Graves asked Ms. [redacted] if any doctor had seen her husband since the incident. She told us his normal doctor, **Dr.** [redacted] in the City of Lancaster, had seen him. Sergeant Graves asked if the doctor had seen her husband's left hand. She told us he had a physical, the doctor looked at it, but that he "didn't really pay too much attention." Sergeant Graves asked if there was anything else. She told us the doctor mainly concentrated on the injuries to his back from an accident when he was

run over by a car. I asked her if she told the doctor he had been assaulted. She told us she had not. I asked if she said anything about his hand or head injury. She told us she had not.

I asked Ms. [redacted] if her husband had a violent temper, or had a tendency to fight. She paused and told us when he was not on his medication, he was not "fully correct." I asked her to tell us what she meant by that. She told us he could get aggravated easily due to his condition of being bipolar and schizophrenic at the same time. She told us she had been reading about his condition and they (bipolar and schizophrenics) get aggravated easily, so without the proper medication, she could say he was a little angry.

I asked Ms. [redacted] if her husband ever gets physically violent. She said no. I asked her to tell us why her husband went to jail. She told us he went to jail because they were arguing. I asked her if there was a physical altercation. She said no. She told us they were just loud. I asked her if deputies came to her apartment. She told us the deputies came because she threw a table on the ground.

I asked Ms. [redacted] how long they had been married. She said 11 years. I asked her if her husband ever struck her in that 11 years. She told us he had not. I asked if he had ever struck anyone that she was aware of. She said no. I asked her if her husband threw things when he got angry. She said, "Not really," it was more of an uncontrollable yelling. I asked her if any way, her husband was the kind of person that would just fight with somebody, or fight with other people. She repeatedly said no.

I asked her if Mr. [redacted] had ever been violent with the police. She told us no. She admitted her husband does lose his temper and cuss, and he does have some mental issues, however he was taking medication for them.

Sergeant Graves asked Ms. [redacted] how often her husband took his medication. She told us he took them every night.

Sergeant Graves and I concluded our interview of [redacted]

On December 1, 2011, at 1047 hours, Sergeant Graves and I met with and interviewed Inmate [redacted] CDC # [redacted], in an interview room at the Avenal State Prison, located at #1 Kings Way, in the City of Avenal. The interview is summarized as follows:

I told Inmate [redacted] we were from the Los Angeles County Sheriff's Department, Internal Criminal Investigations Bureau, and we wanted to talk to him about allegations of abuse by deputy personnel during their uses of force at Men's Central Jail. I explained we were not there to discuss his case and his name had been given to us as a possible witness. I asked him if he was willing to talk to us and he agreed.

Inmate [redacted] told us he was at Men's Central Jail from December 2008 to July 2009.

I asked him if he remembered talking to a chaplain while he was at Men's Central Jail and if he recalled an incident occurring where deputies used force on an inmate. He told us he recalled an incident and that a chaplain was there and saw it, however, he did not know the chaplains name. He told us the chaplain was Mexican, about fifty years old. He also told us the inmate that was assaulted was Hispanic.

Inmate [redacted] told us he was in his cell talking to the chaplain, when they both heard noise and saw an inmate that was handcuffed and two deputies beating him. Inmate [redacted] told us he was in the first cell and had a clear view of the hallway.

Inmate [redacted] told us two officers were beating up an inmate and they were saying, "Stop resisting" or "Stop fighting back." He told us the inmate was not fighting back and he was handcuffed.

I asked Inmate [redacted] to describe to us what he saw. He told us the inmate was handcuffed and he saw the deputies grab his (inmate's) shirt. He saw they were "stomping him up" on the wall and then they threw him on the floor and start kicking him.

I asked Inmate [redacted] if the deputies kicked the inmate in the head, his legs, shoulder, ribs or the back. Inmate [redacted] pointed to his upper torso area, on the right side of his chest. I asked him if that was the area and he told us he couldn't remember which side of the torso. I asked him if the deputies were punching and kicking the inmate or just kicking him. Inmate [redacted] said they first started with punches.

Inmate [redacted] told us the deputies slammed the inmate against the wall three times. I asked if it was the inmates whole body or his head. He told us he thought they grabbed his head and hit it against the wall a few times.

I asked Inmate [redacted] if the inmate said anything. He told us the inmate was yelling stop and yelling out in pain. I asked him if the inmate was cussing or making any threats to the deputies. He said he could not remember.

Inmate [redacted] told us the deputies made the chaplain leave after the assault.

I confirmed Inmate [redacted] had only seen two deputies assaulting the inmate and asked him if there were more than two deputies. He told us he only remembered two deputies.

I asked Inmate [redacted] if the two deputies that had been assaulting the inmate were some of the same deputies that worked in the module where he was housed. He told us they could have been. I asked him how long he had been housed on that floor. He told us about six months. I asked him if he recalled the cell number. He told us he did not know, however, it was next to the showers at the beginning of the row.

I asked Inmate [redacted] if he could see the area where the assault took place clearly from his cell. He told us he could see the hallway area. He told us there were bars from the two

gates in the way, however, he could still see the area clearly. I asked him how far away the area where the assault took place was in relation to the cell he was in. He estimated he was approximately twenty five feet away.

> **NOTE:** Inmate [redacted] was in cell # 3, next to the showers, which is next to the entrance to Module 3700, A row.

I asked Inmate [redacted] if the Chaplain was next to him when they were watching the inmate being assaulted. He told us the chaplain was standing in front of his cell at the time.

I asked Inmate [redacted] how long he thought the assault lasted. He estimated approximately a minute and a half. I asked him if the inmate that was assaulted was moving around or doing anything to get away from the deputies. He said the inmate was just balled up in apparent pain.

I asked Inmate [redacted] if he had any mental disorders, or drug and/or alcohol problems that could affect his memory. He told us he had a history of drug and alcohol abuse, however, his memory was good.

Prior to meeting with Inmate [redacted] I assembled a series of seven photographic line-ups **(EXHIBIT E)**, consisting of six photographs, numbered one through six, containing photographs of six similar looking individuals. The line-ups were numbered A-1, R-1, P-1, LL-1, MM-1, E-1, and N-1.

I admonished Inmate [redacted] regarding photographic line-up procedures by reading a photographic line-up admonition to him. Inmate [redacted] acknowledged his understanding of the admonishment by reading and then signing the form.

Inmate [redacted] viewed line up A-1, containing a photograph of **Deputy Aguiar** in the #4 position. He pointed to the #4 position and told us that was a deputy that worked there, however, he was not the one that did the beating. He wrote his statement in the comment section, and circled and initialed position #4.

Inmate [redacted] viewed line up R-1, containing a photograph of **Deputy Ramirez** in the #2 position. He pointed to the #2 position and told us that person looked like he worked there, but he could not recall if he was part of the beating. He wrote his statement in the comments section, and circled and initialed position #2.

Inmate [redacted] viewed line up P-1, containing a photograph of **Deputy** [redacted] in the #4 position. He looked at the line-up and was unable to identify anyone. He wrote "no ID" in the comments section.

Inmate [redacted] viewed line up LL-1, containing a photograph of **Deputy** [redacted] in the #5 position. He pointed to the #5 position and stated that person looked like he worked there,

but he could not recall if he participated in the beating. He wrote his statement in the comments section, and circled and initialed position #5.

Inmate [redacted] viewed line up MM-1, containing a photograph of **Deputy** [redacted] in the #3 position. He pointed to the #3 position and told us that person looked like he worked there, but he could not recall if he participated in the beating. He wrote his statement in the comments section, and circled and initialed position #3.

Inmate [redacted] viewed line up E-1, containing a photograph of **Deputy** [redacted] in the #4 position. He pointed to the #4 position and told us that person looked like he worked there, but he could not recall if he participated in the beating. He wrote his statement in the comments section, and circled and initialed position #4.

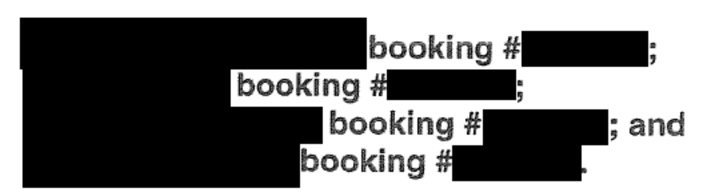
Inmate [redacted] viewed line up N-1, containing a photograph of **Deputy** [redacted] in the #1 position. He looked at the line-up and was unable to identify anyone. He wrote "no ID" in the comments section.

Sergeant Graves and I concluded our interview of Inmate [redacted]

On February 8, 2012, I contacted Health Information Management Supervisor Yolanda Mora and requested Medical Records for Inmate [redacted] **(EXHIBIT H)**.

On February 13, 2012, I met with Crime Lab Forensic Identification Services Technician, Jackie Thompson, at Men's Central Jail. I requested Technician Thompson photograph **(EXHIBIT F)** and sketch **(EXHIBIT G)** the interior of the 3500/3700 Module. Technician Thompson covered the area of Module 3700 which included the cells and the walk way at the South end of the module where deputies and inmates enter the module. Photographs were taken of Cell #3 and possible views from the cell, looking toward the area of the wall between the entrance and the inmate worker dorm. The areas that were photographed and sketched were based on the statements and diagram that was provided in the ACLU declarations **(EXHIBIT A)** by Witness [redacted]

On February 22, 2012, utilizing Sheriff's Department resources, I obtained a copy of the Title 15 gate log for Module 3500/3700 **(EXHIBIT I)**, which listed the inmate workers assigned to that module. A check via the booking system revealed all of the listed inmate workers had been released from custody. The inmates listed were:


[redacted] **booking #**[redacted];
[redacted] **booking #**[redacted];
[redacted] **booking #**[redacted]; and
[redacted] **booking #**[redacted].

On February 29, 2012, Sergeant Graves and I attempted to contact [redacted] at his last known address, [redacted] No one was home at that

address. I left my business card, however, as of the date of this report, I have not heard a response.

On February 29, 2012, Sergeant Graves and I attempted to contact [redacted] at his last known address, [redacted] No one was home at that address. I left my business card, however, as of the date of this report, I have not heard a response.

On February 29, 2012, Sergeant Graves and I attempted to contact [redacted] at his last known address, [redacted] That home appeared to be vacant.

On February 29, 2012, Sergeant Graves and I attempted to contact [redacted] at his last known address, [redacted] At that address, we contacted his wife, [redacted] I left my business card and asked her to have Mr. [redacted] call me.

On February 29, 2012, at approximately 1800 hours, Mr. [redacted] called me and we set up an appointment to meet.

On March 13, 2012, at approximately 1117 hours, Sergeant Gabrielle Graves and I met with and interviewed [redacted] a former inmate at Men's Central Jail, in an interview room at Carson Sheriff's station, located at 21356 Avalon Boulevard, in the City of Carson. The interview was digitally audio recorded in its entirety and is summarized as follows:

I informed Mr. [redacted] that we were investigating a case where deputies were assaulting inmates at Men's Central Jail. I told him I had looked at jail records and saw he was an inmate at Men's Central Jail on February 11, 2009. I asked Mr. [redacted] if he was an inmate worker at that time. He told us he was. I asked him if he remembered what floor he was housed on. He told us he could not remember the floor. I asked him if he could remember the module. He told us it was Module 3500.

I asked Mr. [redacted] if he recalled an incident where an inmate was beaten by deputies on that floor. He told us he did not recall any such incidents. I asked him if there was anything unusual he ever heard. He told us he recalled hearing some yelling one time. I asked him what he heard yelled. He said he heard the deputies yelling out some bad words. He said they were saying something to the affect of, "Do you understand mother fucker?" or something similar to that. He added that was all he heard. I asked him if he heard anybody getting hurt or yelling out in pain. He said no. He told us there were maybe two or three voices and he believed they were deputies. He said he heard more than one voice, however, he did not see any one.

I asked Mr. [redacted] if he heard that anyone had been beaten up. He told us no. I asked him if he knew of any inmates getting beaten up by deputies. He told us no. I asked

Mr. [redacted] how long was he in custody at Men's Central Jail. He told us he was there for three months. I asked him if he had ever seen anyone being beaten by deputies at Men's Central Jail while he was there. He said no.

I asked Mr. [redacted] if he knew an inmate by the name of [redacted]. He said no. I asked him if he knew any of the inmates that were in the cells in that module. He told us no. I asked him if he talked to any of the inmates on the rows. He told us he did not talk to anyone while he was in custody. He told us he did not know the names of the other inmate workers that were assigned to his dorm.

NOTE: Inmate [redacted] was named by Chaplain [redacted] as the inmate that had witnessed deputies assaulting Inmate [redacted] According to Chaplain [redacted] statement, Inmate [redacted] had obtained two of the names of the deputies involved in this case.

Mr. [redacted] told us if anything happened in the module, such as inmates being moved, the deputies would tell all the inmate workers to go to their dorm.

I asked Mr. [redacted] if he knew the names of the other inmate workers. He told us he did not. I asked him if I showed him some photographs of some of the inmate workers, if he would recognize them. He told us he might. I showed Mr. [redacted] photographs of the three other inmate workers that were listed as being in 3500 during the time he was incarcerated.

NOTE: The photographs were Los Angeles County Sheriff's Department booking photos.

I showed Mr. [redacted] photographs of the following inmates:

[redacted] booking # [redacted]; [redacted] booking # [redacted]; and [redacted] booking # [redacted].

Mr. [redacted] recognized Inmate [redacted] as the lead inmate worker in Module 3500. He recognized Inmate [redacted] only as [redacted] He did not recognize Inmate [redacted]

I informed Mr. [redacted] we needed to talk to Inmate [redacted] He told us he had gone back to Mexico and did not know where.

Sergeant Graves and I concluded our interview of Mr. [redacted]

On March 15, 2012, Sergeant Bailey and I contacted Deputy [redacted] # [redacted] at Men's Central Jail and conducted an interview in the Operations Lieutenant's office.

Prior to Deputy [redacted] answering any questions, I told Deputy [redacted] we were investigators with the Los Angeles County Sheriff's Department's Internal Criminal Investigations Bureau (ICIB) and that we had been assigned to investigate a use of force case where a former inmate, [redacted] identified [redacted] as his cousin. I also explained to Deputy [redacted] the differences between Internal Criminal Investigations Bureau (ICIB) and Internal Affairs Bureau (IAB) in that ICIB investigates criminal allegations, whereas IAB investigates administrative issues. Sergeant Bailey explained to Deputy [redacted] the chief difference between the two bureaus was IAB compelled people to talk to them and ICIB does not. Sergeant Bailey explained to Deputy [redacted] that if they wanted to talk to us, it would be voluntary on his part. Deputy [redacted] said he understood.

I informed Deputy [redacted] I was investigating a use of force case where a former inmate, [redacted] identified him as his [redacted] cousin. I told him Mr. [redacted] said he saw him [redacted] shortly after he was assaulted on February 11, 2011, at Men's Cental Jail. I asked him if Mr. [redacted] was his cousin. He told us he knew [redacted] but they were not related by blood and Mr. [redacted] was not his legal cousin.

Sergeant Bailey told him that Mr. [redacted] said he [redacted]) had seen him and they did not talk. Sergeant Bailey asked if it was possible that Mr. [redacted] could have seen him and he did not see Mr. [redacted] Deputy Adams told us if Mr. [redacted] had seen him, he did not know it. He told us this was the first time he had heard that Mr. [redacted] had been in custody. He told us that Mr. [redacted] could have seen him, however, he did not see Mr. [redacted]

I asked Deputy [redacted] where he was assigned in February 2009. He told us he was a supervising line deputy at Men's Central Jail and he worked at various locations throughout the jail. He told us he worked at Main Control, or in the clinic area, or on other floors. He told us that has been his schedule for the past six years.

I asked Deputy [redacted] to tell us when was the last time he saw Mr. [redacted] He told us he had last seen him about six years ago, when Mr. [redacted] was visiting his (Deputy [redacted]) terminally ill mother.

We concluded our interview at 1045 hours.

On March 21, 2012, between approximately 1205 hours and 1215 hours, Sergeant Graves and I separately contacted Deputies [redacted] and [redacted] in room #1059, at Men's Central Jail, located at 441 Bauchet Street, in the City of Los Angeles.

Prior to interviewing either deputy, I informed them Sergeant Graves and I were from Internal Criminal Investigations Bureau and we were investigating an allegation made against them, specifically that they had assaulted an inmate under color of authority in February of 2009.

I explained the differences between Internal Affairs and Internal Criminal Investigations Bureau. I informed them I could not compel or order them to answer any of my questions and any statements they made would be free and voluntary on their part. I informed them the door to the office was closed for privacy reasons only, they were not being detained and were free to leave at any time. I asked each of them if they understood what I explained to them. They all said they did. I asked them if they wanted to participate in an interview. Both deputies declined to be interviewed.

On March 21, 2012, at approximately 1450 hours, Sergeant Graves and I contacted **DEPUTY JOEY DINIS AGUIAR**, in a room across the hallway from the Watch Sergeant's office at Century Regional Detention Facility, located at 11705 Alameda Street, in the City of Lynwood.

Prior to interviewing Deputy Aguiar, I informed him Sergeant Graves and I were from Internal Criminal Investigations Bureau and we were investigating an allegation made against him, specifically that he had assaulted an inmate under color of authority in February of 2009.

I explained the differences between Internal Affairs and Internal Criminal Investigations Bureau. I informed him I could not compel or order him to answer any of my questions and any statements he made would be free and voluntary on his part. I informed him the door to the office was closed for privacy reasons only, he was not being detained and was free to leave at any time. I asked Deputy Aguiar if he understood what I explained to him. He said he did. I asked him if he wanted to participate in an interview. Deputy Aguiar declined to be interviewed.

On March 21, 2012, at approximately 1550 hours, I contacted **DEPUTY** [redacted] via telephone and informed him that I wanted to interview him regarding this investigation. Deputy [redacted] told me he would have to contact his attorney at the law office of **Green and Shinee.**

On March 21, 2012, at approximately 1635 hours, I contacted Deputy [redacted] attorney, Elizabeth Gibbons, of the law office of Green and Shinee. Ms. Gibbons informed me Deputy [redacted] would not be participating in an interview.

BY: SERGEANT ANTONIO J. GONZALEZ, #[redacted]
APPROVED BY: LIEUTENANT STEVE LEAVINS, #[redacted], 04-27-12, 1215 HOURS
INTERNAL CRIMINAL INVESTIGATIONS BUREAU
OFFICE OF THE UNDERSHERIFF

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT
SUPPLEMENTARY REPORT

Agency: LASD/ICIB

Date: March 5, 2012

File No: 911-00026-2003-441

C: Special Investigation

/X/ Photographs Taken
/X/ Sketch

Location #1: 441 Bauchet Street, Los Angeles DBA: Men's Central Jail "3000 Floor West" and "3500/3700 Walkway/3700 "A" Row Cell #3"

On February 13, 2012 at 1000 hours, I arrived at Location #1 and contacted Los Angeles County Sheriff's Department ICIB Detective Gonzalez, A #[redacted]. Upon request, I conducted a technical investigation as follows:

I took overall photographs of Location #1. Location #1 consisted of two areas, i.e. 3000 Floor West and 3500/3700 Walkway/3700 "A" Row Cell #3.

I also took "perspective" photographs at both areas pointed out by Sergeant Gonzalez.

In addition, I completed a hand-drawn/rough-draft sketch of both areas, with overall/perspective measurements.

I collected and transported the CF Memory card and both sketches to the Los Angeles County Sheriff's Department Crime Lab for further processing.

By: Jackie Thompson
Jackie Thompson
Forensic Identification Specialist #[redacted]
Crime Scene Investigation
Scientific Services Bureau

Approved: G. R. Trujillo, A/Supervising Forensic Identification Specialist #[redacted]
Crime Scene Investigations
Scientific Services Bureau

Assigned: ICIB

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTAL REPORT

DATE: SEPTEMBER 24, 2012

FILE NO: 912-00039-2003-441

C: ASSAULT UNDER COLOR OF AUTHORITY, 149 PC

ACTION: ACTIVE / ADDITIONAL INFORMATION/ INTERVIEWS CONDUCTED

D: FEBRUARY 11, 2009, WEDNESDAY, 0950 HOURS

L: MEN'S CENTRAL JAIL
441 BAUCHET STREET
LOS ANGELES, CALIFORNIA 90012

V: [redacted]
L.A. COUNTY JAIL INMATE #[redacted]

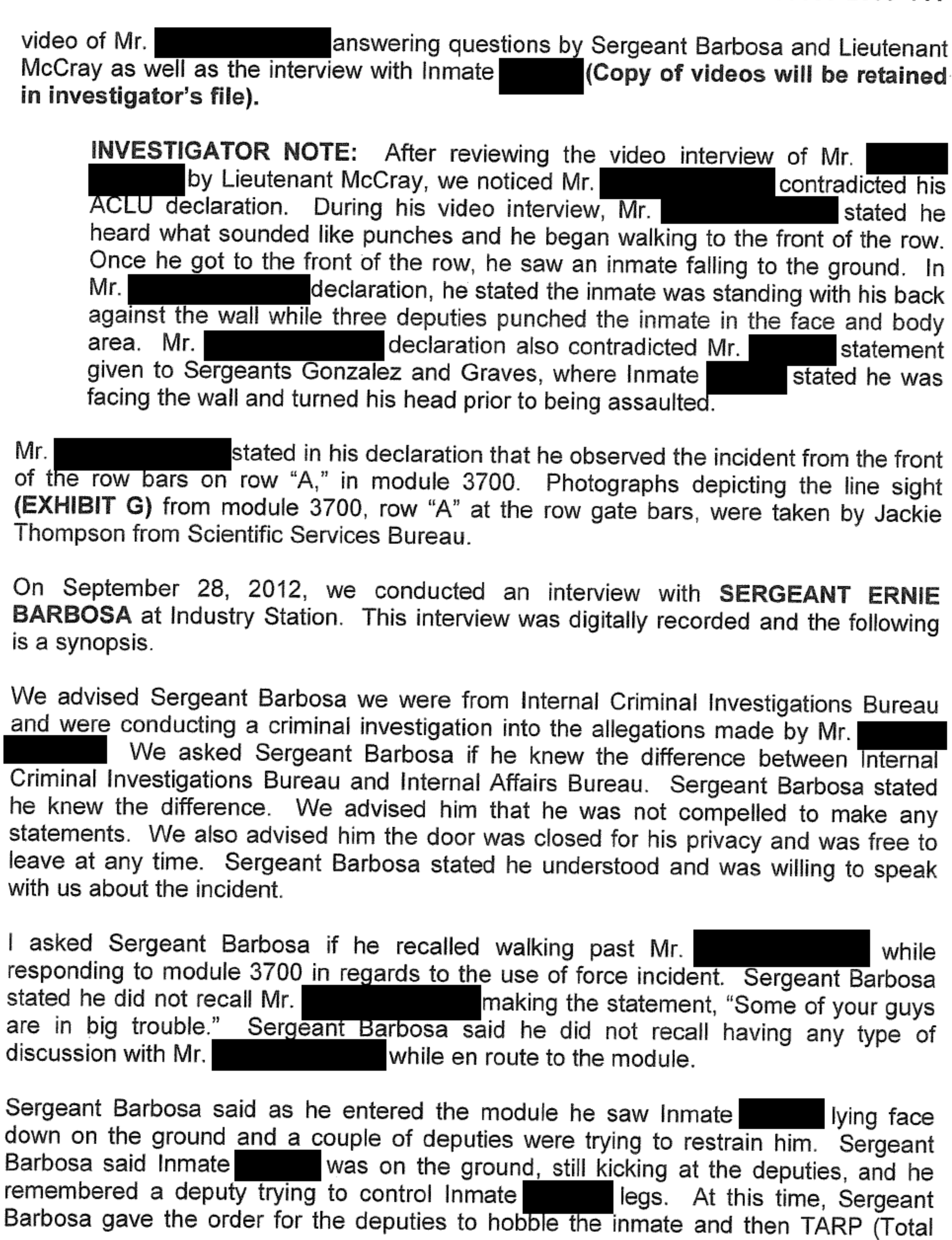
W: [redacted] MH/ADULT
CATHOLIC CHAPLAIN
AKA: [redacted]

S-1: JOEY DINIS AGUIAR, MH/ADULT
DEPUTY SHERIFF, #[redacted]
MEN'S CENTRAL JAIL
CUSTODY OPERATIONS DIVISION

S-2: MARIANO MANUEL RAMIREZ, MH/ADULT
DEPUTY SHERIFF, #[redacted]
MEN'S CENTRAL JAIL
CUSTODY OPERATIONS DIVISION

S-3, 4, 5: UNKNOWN
DEPUTY SHERIFF
MEN'S CENTRAL JAIL
CUSTODY OPERATIONS DIVISION

On September 24, 2012, Detective Juan Briseno and I were instructed to conduct follow up interviews in order to complete this case. Upon being assigned to complete this case, we began by conducting an overview of the incident. We read the declaration **(Exhibit A)** made by Mr. [redacted] We also read all reports and watched the



video of Mr. [redacted] answering questions by Sergeant Barbosa and Lieutenant McCray as well as the interview with Inmate [redacted] **(Copy of videos will be retained in investigator's file).**

INVESTIGATOR NOTE: After reviewing the video interview of Mr. [redacted] by Lieutenant McCray, we noticed Mr. [redacted] contradicted his ACLU declaration. During his video interview, Mr. [redacted] stated he heard what sounded like punches and he began walking to the front of the row. Once he got to the front of the row, he saw an inmate falling to the ground. In Mr. [redacted] declaration, he stated the inmate was standing with his back against the wall while three deputies punched the inmate in the face and body area. Mr. [redacted] declaration also contradicted Mr. [redacted] statement given to Sergeants Gonzalez and Graves, where Inmate [redacted] stated he was facing the wall and turned his head prior to being assaulted.

Mr. [redacted] stated in his declaration that he observed the incident from the front of the row bars on row "A," in module 3700. Photographs depicting the line sight **(EXHIBIT G)** from module 3700, row "A" at the row gate bars, were taken by Jackie Thompson from Scientific Services Bureau.

On September 28, 2012, we conducted an interview with **SERGEANT ERNIE BARBOSA** at Industry Station. This interview was digitally recorded and the following is a synopsis.

We advised Sergeant Barbosa we were from Internal Criminal Investigations Bureau and were conducting a criminal investigation into the allegations made by Mr. [redacted] We asked Sergeant Barbosa if he knew the difference between Internal Criminal Investigations Bureau and Internal Affairs Bureau. Sergeant Barbosa stated he knew the difference. We advised him that he was not compelled to make any statements. We also advised him the door was closed for his privacy and was free to leave at any time. Sergeant Barbosa stated he understood and was willing to speak with us about the incident.

I asked Sergeant Barbosa if he recalled walking past Mr. [redacted] while responding to module 3700 in regards to the use of force incident. Sergeant Barbosa stated he did not recall Mr. [redacted] making the statement, "Some of your guys are in big trouble." Sergeant Barbosa said he did not recall having any type of discussion with Mr. [redacted] while en route to the module.

Sergeant Barbosa said as he entered the module he saw Inmate [redacted] lying face down on the ground and a couple of deputies were trying to restrain him. Sergeant Barbosa said Inmate [redacted] was on the ground, still kicking at the deputies, and he remembered a deputy trying to control Inmate [redacted] legs. At this time, Sergeant Barbosa gave the order for the deputies to hobble the inmate and then TARP (Total

Appendage Restraint Procedure) him. Sergeant Barbosa said he documented his observations in the Use of Force report **(Exhibit B)**.

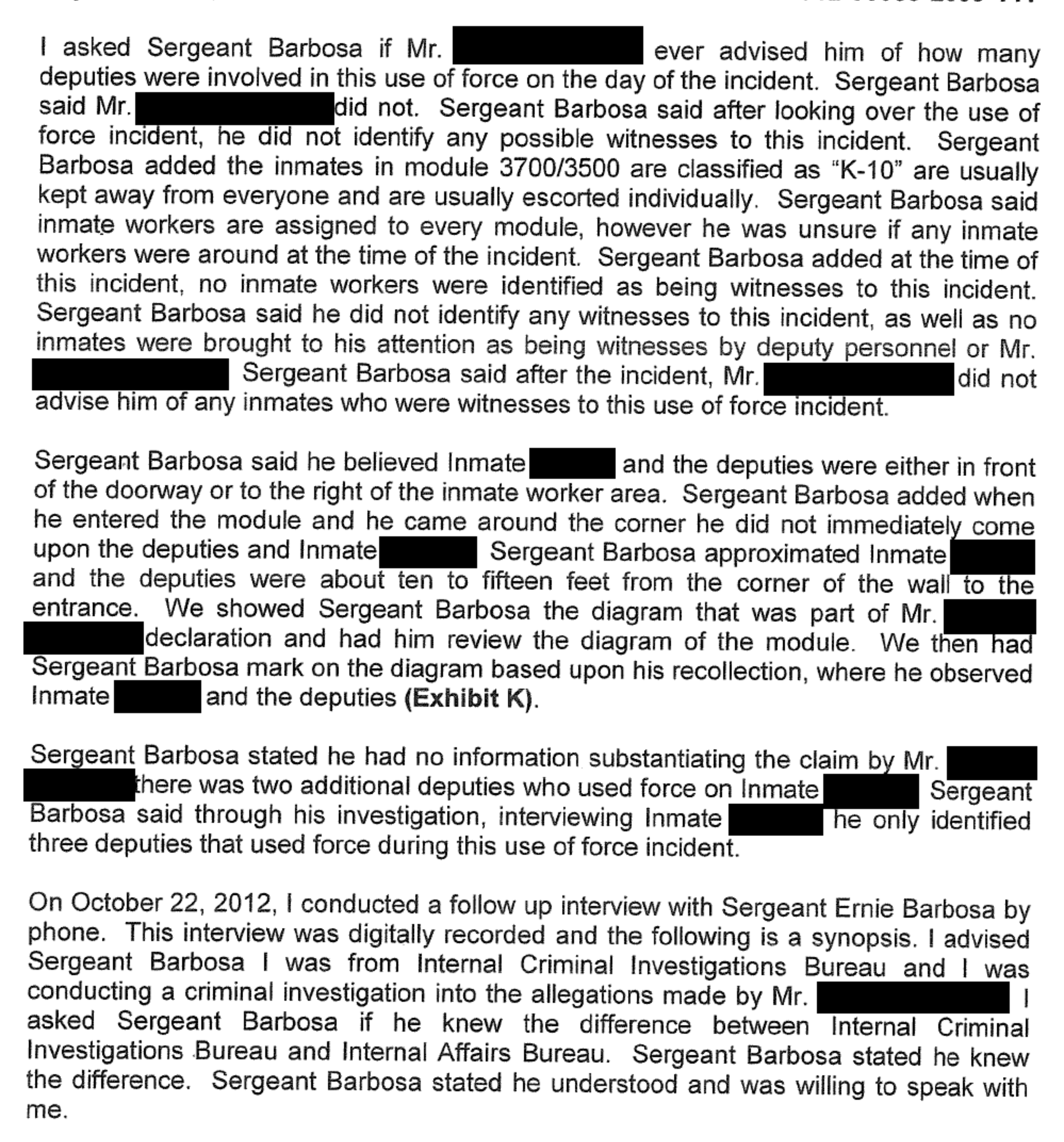
Sergeant Barbosa said from the time he arrived on scene, to transporting Inmate [redacted] to the clinic, and then while interviewing him with Lieutenant McCray, Inmate [redacted] was conscious, coherent, talking, and answering questions. Sergeant Barbosa stated at no time was Inmate [redacted] unconscious prior to medical personnel arriving on scene. Sergeant Barbosa said he was never advised by Inmate [redacted] about being unconscious. Sergeant Barbosa also did not recall a large amount of blood on the floor around Inmate [redacted] prior to be escorted to the clinic.

Sergeant Barbosa said the only injuries he recalled visibly seeing on Inmate [redacted] at the time of the incident was an abrasion on his forehead and redness to his left elbow/tricep area. Inmate [redacted] verbally told Sergeant Barbosa he had prior medical injuries to his spine, back and neck area before being arrested. Sergeant Barbosa said he saw no injuries consistent with being kicked in the face or upper body area with a boot. Sergeant Barbosa said he saw no evidence of any boot polish on Inmate [redacted] clothing or body that would be consistent with being kicked with a boot.

Sergeant Barbosa said he obtained an initial statement from Mr. [redacted] which was documented in the use of force report **(Exhibit B).** Sergeant Barbosa said soon after the incident, Mr. [redacted] was no longer coming to work and he was unable to videotape Mr. [redacted] statements about the incident.

I asked Sergeant Barbosa if he recalled having any type of conversation with Mr. [redacted] about Inmate [redacted] spitting on deputies and caused the use of force incident. Sergeant Barbosa did not recall any conversation with Mr. [redacted] about what caused the use of force incident, and added he would not have provided any information to civilians or employees involved in the incident. I questioned Sergeant Barbosa again about making statements about Inmate [redacted] spitting on the deputies and he said he did not have a conversation with Mr. [redacted] Sergeant Barbosa reiterated again that details to the situation would not be provided to any civilian or employee involved in the incident due to the seriousness of the use of force incident.

I asked Sergeant Barbosa if at any time after the use of force incident, did Mr. [redacted] provide him with a written document of his observations. Sergeant Barbosa said Mr. [redacted] did not give him any written paperwork on the use of force incident. Sergeant Barbosa said he believed this written document was provided to someone from outside of Men's Central Jail and it was funneled to Lieutenant McCray and him since they were conducting the use of force investigation. Sergeant Barbosa believed when the written document came to light, they conducted a videotaped interview with Mr. [redacted]



I asked Sergeant Barbosa if Mr. [redacted] ever advised him of how many deputies were involved in this use of force on the day of the incident. Sergeant Barbosa said Mr. [redacted] did not. Sergeant Barbosa said after looking over the use of force incident, he did not identify any possible witnesses to this incident. Sergeant Barbosa added the inmates in module 3700/3500 are classified as "K-10" are usually kept away from everyone and are usually escorted individually. Sergeant Barbosa said inmate workers are assigned to every module, however he was unsure if any inmate workers were around at the time of the incident. Sergeant Barbosa added at the time of this incident, no inmate workers were identified as being witnesses to this incident. Sergeant Barbosa said he did not identify any witnesses to this incident, as well as no inmates were brought to his attention as being witnesses by deputy personnel or Mr. [redacted] Sergeant Barbosa said after the incident, Mr. [redacted] did not advise him of any inmates who were witnesses to this use of force incident.

Sergeant Barbosa said he believed Inmate [redacted] and the deputies were either in front of the doorway or to the right of the inmate worker area. Sergeant Barbosa added when he entered the module and he came around the corner he did not immediately come upon the deputies and Inmate [redacted] Sergeant Barbosa approximated Inmate [redacted] and the deputies were about ten to fifteen feet from the corner of the wall to the entrance. We showed Sergeant Barbosa the diagram that was part of Mr. [redacted] declaration and had him review the diagram of the module. We then had Sergeant Barbosa mark on the diagram based upon his recollection, where he observed Inmate [redacted] and the deputies **(Exhibit K)**.

Sergeant Barbosa stated he had no information substantiating the claim by Mr. [redacted] there was two additional deputies who used force on Inmate [redacted] Sergeant Barbosa said through his investigation, interviewing Inmate [redacted] he only identified three deputies that used force during this use of force incident.

On October 22, 2012, I conducted a follow up interview with Sergeant Ernie Barbosa by phone. This interview was digitally recorded and the following is a synopsis. I advised Sergeant Barbosa I was from Internal Criminal Investigations Bureau and I was conducting a criminal investigation into the allegations made by Mr. [redacted] I asked Sergeant Barbosa if he knew the difference between Internal Criminal Investigations Bureau and Internal Affairs Bureau. Sergeant Barbosa stated he knew the difference. Sergeant Barbosa stated he understood and was willing to speak with me.

I advised Sergeant Barbosa that Mr. [redacted] stated the deputies who were involved in the assault on him were "snooping around" the clinic while he was being treated. Sergeant Barbosa said he could not recall who was around, however it was common practice for him to have an uninvolved deputy escort and monitor any inmates involved in a use of force incident.

I asked Sergeant Barbosa when he entered the module, how many deputies he observed around Mr. [redacted] or using force. Sergeant Barbosa said he only recalled three deputies use force on Mr. [redacted] Sergeant Barbosa said once he was present he only saw three deputies involved use force on Mr. [redacted] and directed them to T.A.R.P. Mr. [redacted] Sergeant Barbosa said he saw no other deputies use force on Mr. [redacted]

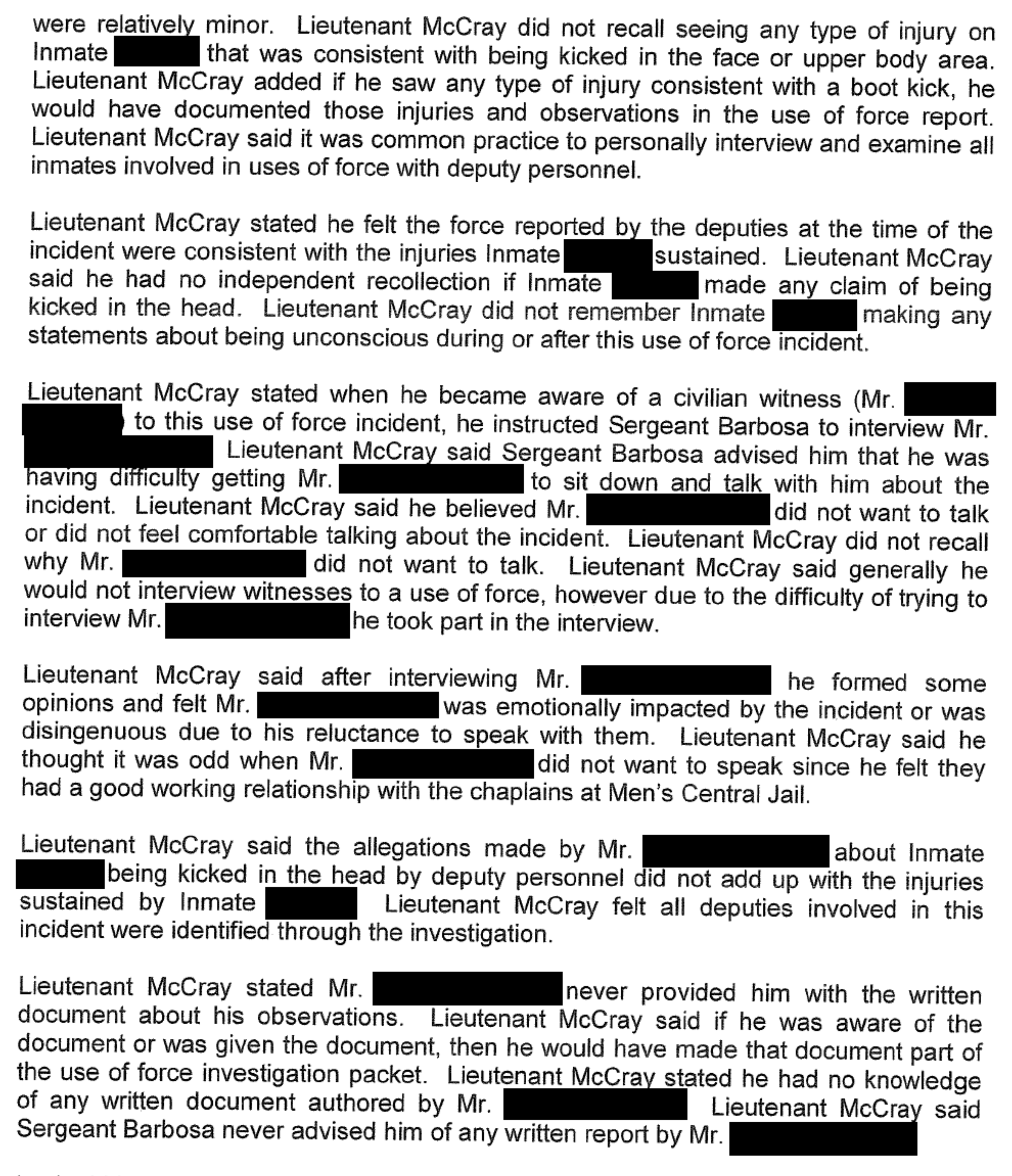
On October 24, 2012, I conducted another follow up interview with Sergeant Ernie Barbosa by phone. This interview was digitally recorded and the following is a synopsis. I advised Sergeant Barbosa I was from Internal Criminal Investigations Bureau and I was conducting a criminal investigation into the allegations made by Mr. [redacted] I asked Sergeant Barbosa if he knew the difference between Internal Criminal Investigations Bureau and Internal Affairs Bureau. Sergeant Barbosa stated he knew the difference. Sergeant Barbosa stated he understood and was willing to speak with me.

I asked Sergeant Barbosa if he recalled after the video recording was stopped after the interview, if he remembered Lieutenant McCray asking Mr. [redacted] any personal questions. Sergeant Barbosa did not recall any personal questions being asked by Lieutenant McCray or by himself after the interview was concluded with Mr. [redacted] Sergeant Barbosa said he could not remember if after the interview was completed, if he left the office and Lieutenant McCray and Mr. [redacted] were left alone for a period of time in the watch commander's office, or if they left the office altogether. Sergeant Barbosa could not recall any questions that did not deal with the use of force incident being discussed with Mr. [redacted] at any time.

On October 1, 2012, we conducted an interview with **LIEUTENANT LEONARD MCCRAY** at Compton Station. The interview was digitally recorded and the following is a synopsis.

We advised Lieutenant McCray we were from Internal Criminal Investigations Bureau and were conducting a criminal investigation into the allegations made by Mr. [redacted] We asked Lieutenant McCray if he knew the difference between Internal Criminal Investigations Bureau and Internal Affairs Bureau. Lieutenant McCray stated he knew the difference. We advised him that he was not compelled to make any statements. We also advised him the door was closed for his privacy and was free to leave at any time. Lieutenant McCray stated he understood and was willing to speak with us about the incident.

Lieutenant McCray stated he did not have any independent recollection of this incident. He stated he believed he conducted an interview with Inmate [redacted] after the use of force incident. Lieutenant McCray stated due to the incident occurring some time ago, he could only go off his report and reviewing the use of force video. Based on the report and video footage, Lieutenant McCray said the injuries Inmate [redacted] sustained



were relatively minor. Lieutenant McCray did not recall seeing any type of injury on Inmate [redacted] that was consistent with being kicked in the face or upper body area. Lieutenant McCray added if he saw any type of injury consistent with a boot kick, he would have documented those injuries and observations in the use of force report. Lieutenant McCray said it was common practice to personally interview and examine all inmates involved in uses of force with deputy personnel.

Lieutenant McCray stated he felt the force reported by the deputies at the time of the incident were consistent with the injuries Inmate [redacted] sustained. Lieutenant McCray said he had no independent recollection if Inmate [redacted] made any claim of being kicked in the head. Lieutenant McCray did not remember Inmate [redacted] making any statements about being unconscious during or after this use of force incident.

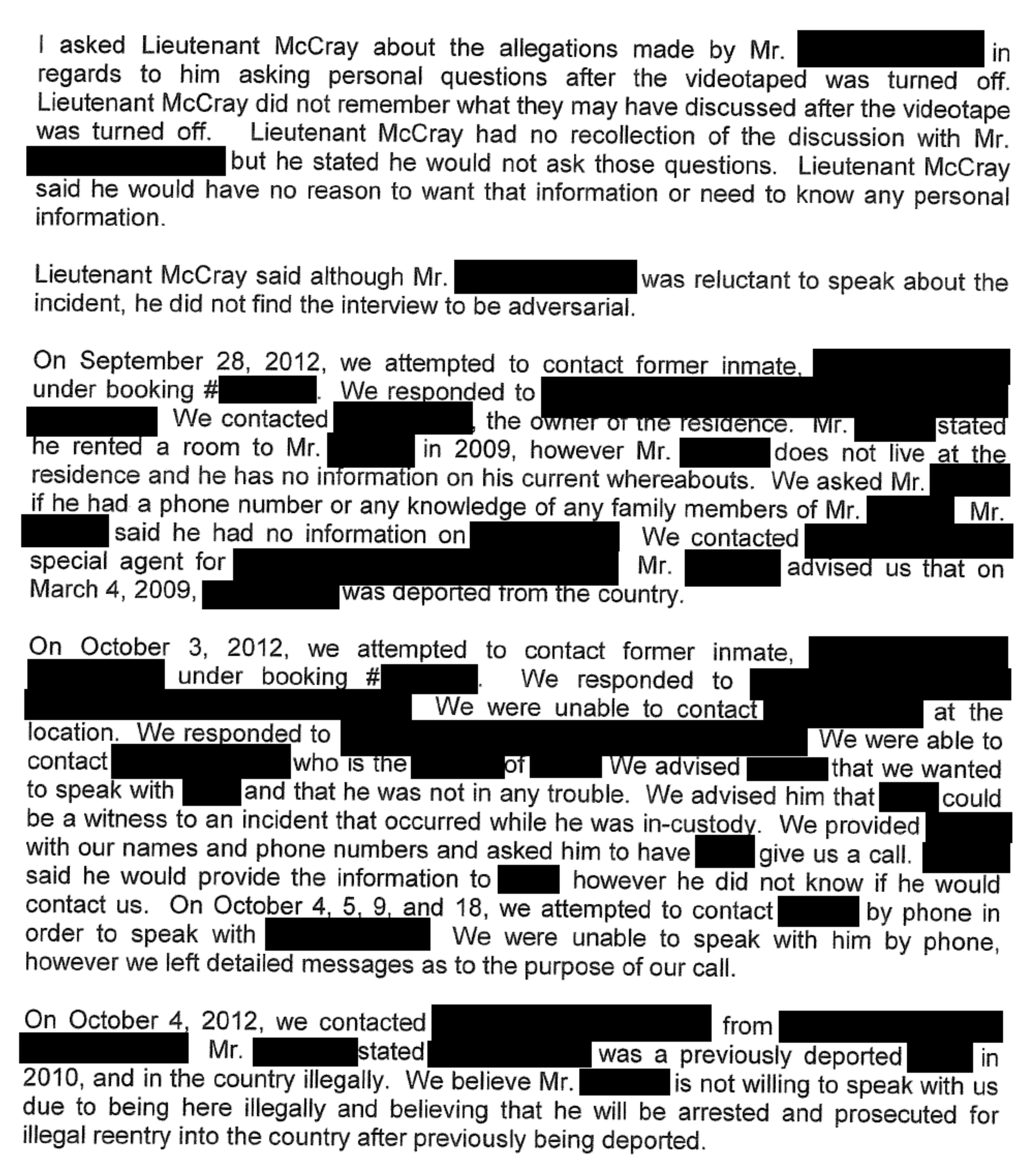
Lieutenant McCray stated when he became aware of a civilian witness (Mr. [redacted]) to this use of force incident, he instructed Sergeant Barbosa to interview Mr. [redacted] Lieutenant McCray said Sergeant Barbosa advised him that he was having difficulty getting Mr. [redacted] to sit down and talk with him about the incident. Lieutenant McCray said he believed Mr. [redacted] did not want to talk or did not feel comfortable talking about the incident. Lieutenant McCray did not recall why Mr. [redacted] did not want to talk. Lieutenant McCray said generally he would not interview witnesses to a use of force, however due to the difficulty of trying to interview Mr. [redacted] he took part in the interview.

Lieutenant McCray said after interviewing Mr. [redacted] he formed some opinions and felt Mr. [redacted] was emotionally impacted by the incident or was disingenuous due to his reluctance to speak with them. Lieutenant McCray said he thought it was odd when Mr. [redacted] did not want to speak since he felt they had a good working relationship with the chaplains at Men's Central Jail.

Lieutenant McCray said the allegations made by Mr. [redacted] about Inmate [redacted] being kicked in the head by deputy personnel did not add up with the injuries sustained by Inmate [redacted] Lieutenant McCray felt all deputies involved in this incident were identified through the investigation.

Lieutenant McCray stated Mr. [redacted] never provided him with the written document about his observations. Lieutenant McCray said if he was aware of the document or was given the document, then he would have made that document part of the use of force investigation packet. Lieutenant McCray stated he had no knowledge of any written document authored by Mr. [redacted] Lieutenant McCray said Sergeant Barbosa never advised him of any written report by Mr. [redacted]

I asked Lieutenant McCray what was his background in regards to handling use of force incidents, specifically with head injuries. Lieutenant McCray stated as a sergeant, he worked at Internal Affairs Bureau and was part of the force roll out team. He also stated



he was a defensive tactics instructor and conducted training analysis on use of force incidents.

I asked Lieutenant McCray about the allegations made by Mr. [redacted] in regards to him asking personal questions after the videotaped was turned off. Lieutenant McCray did not remember what they may have discussed after the videotape was turned off. Lieutenant McCray had no recollection of the discussion with Mr. [redacted] but he stated he would not ask those questions. Lieutenant McCray said he would have no reason to want that information or need to know any personal information.

Lieutenant McCray said although Mr. [redacted] was reluctant to speak about the incident, he did not find the interview to be adversarial.

On September 28, 2012, we attempted to contact former inmate, [redacted] under booking #[redacted]. We responded to [redacted] We contacted [redacted], the owner of the residence. Mr. [redacted] stated he rented a room to Mr. [redacted] in 2009, however Mr. [redacted] does not live at the residence and he has no information on his current whereabouts. We asked Mr. [redacted] if he had a phone number or any knowledge of any family members of Mr. [redacted] Mr. [redacted] said he had no information on [redacted] We contacted [redacted] special agent for [redacted] Mr. [redacted] advised us that on March 4, 2009, [redacted] was deported from the country.

On October 3, 2012, we attempted to contact former inmate, [redacted] under booking #[redacted]. We responded to [redacted] We were unable to contact [redacted] at the location. We responded to [redacted] We were able to contact [redacted] who is the [redacted] of [redacted] We advised [redacted] that we wanted to speak with [redacted] and that he was not in any trouble. We advised him that [redacted] could be a witness to an incident that occurred while he was in-custody. We provided [redacted] with our names and phone numbers and asked him to have [redacted] give us a call. [redacted] said he would provide the information to [redacted] however he did not know if he would contact us. On October 4, 5, 9, and 18, we attempted to contact [redacted] by phone in order to speak with [redacted] We were unable to speak with him by phone, however we left detailed messages as to the purpose of our call.

On October 4, 2012, we contacted [redacted] from [redacted] Mr. [redacted] stated [redacted] was a previously deported [redacted] in 2010, and in the country illegally. We believe Mr. [redacted] is not willing to speak with us due to being here illegally and believing that he will be arrested and prosecuted for illegal reentry into the country after previously being deported.

On September 26 and 28, 2012, we responded to [redacted] We attempted to contact former inmate, [redacted] under booking #[redacted]. We were unable to verify or locate [redacted] at the location. The location has a house in the front with at least three rental properties to the rear of the location.

Through the use of department resources, we were able to identify three phone numbers [redacted] that belonged to [redacted] the [redacted] We left messages for [redacted] at each number and asked her to call us. On September 28, 2012, [redacted] returned our phone message. [redacted] advised us that [redacted] was here [redacted] and he no longer resides in the state of California. She stated she has not seen [redacted] for almost seven years and she believed he was currently residing in Mexico. [redacted] said she did not have a phone number or address for [redacted]

BY: SERGEANT WARGO [redacted] DETECTIVE JUAN BRISENO [redacted]
APPROVED BY: LT. [redacted] # [redacted], 1/24/13 , HRS. 0942
INTERNAL CRIMINAL INVESTIGATIONS BUREAU
OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTAL REPORT

DATE: SEPTEMBER 24, 2012

FILE NO: 912-00039-2003-441

C: ASSAULT UNDER COLOR OF AUTHORITY, 149 PC

ACTION: ACTIVE / ADDITIONAL INFORMATION/ INTERVIEWS CONDUCTED

D: FEBRUARY 11, 2009, WEDNESDAY, 0950 HOURS

L: MEN'S CENTRAL JAIL
441 BAUCHET STREET
LOS ANGELES, CALIFORNIA 90012

V: [redacted]
L.A. COUNTY JAIL INMATE #[redacted]

W: [redacted] MH/ADULT
CATHOLIC CHAPLAIN
AKA:[redacted]

S-1: JOEY DINIS AGUIAR, MH/ADULT
DEPUTY SHERIFF, #[redacted]
MEN'S CENTRAL JAIL
CUSTODY OPERATIONS DIVISION

S-2: MARIANO MANUEL RAMIREZ, MH/ADULT
DEPUTY SHERIFF, #[redacted]
MEN'S CENTRAL JAIL
CUSTODY OPERATIONS DIVISION

S-3, 4, 5: UNKNOWN
DEPUTY SHERIFF
MEN'S CENTRAL JAIL
CUSTODY OPERATIONS DIVISION

On December 11, 2012, we contacted and interviewed Nurse **MARJORIE ROSEEN,** #[redacted], at Men's Central Jail. The interview was digitally recorded and the following is a synopsis.

We advised Nurse Roseen we were from Internal Criminal Investigations Bureau and were conducting a criminal investigation into the allegations made by Mr. [redacted] We asked Nurse Roseen if she knew the difference between Internal Criminal Investigations Bureau and Internal Affairs Bureau. Nurse Roseen stated she did not know the difference. We advised her of the difference between Internal Criminal Investigations Bureau and Internal Affairs Bureau. We also advised the door was closed for her privacy and she was free to leave at any time. Nurse Roseen stated she understood and was willing to speak with us about the incident.

Nurse Roseen could not specifically recall responding to the incident. Nurse Roseen was asked if she recalled responding to the module and seeing a pool of blood around the inmate who was handcuffed. Nurse Roseen could not recall remembering any blood around Mr. [redacted] and believed if she saw that she would have remembered that specifically. We had Nurse Roseen review the medical notes (**Exhibit H**) to help her recall the incident. Nurse Roseen reviewed her notes and stated if she saw a profuse amount of blood she would have documented those observations in her notes. Nurse Roseen said if Mr. [redacted] had been unconscious when she responded to the module or if Mr. [redacted] made any statements about being unconscious she would have documented that on the medical charts. Nurse Roseen stated she did not see Mr. [redacted] unconscious at any time. We showed Nurse Roseen a picture (**Exhibit J**) of Mr. [redacted] Nurse Roseen stated she did not remember Mr. [redacted] in the type of situation described (T.A.R.P., bleeding with cuts, unconscious). She again reiterated she saw no pool of blood when she responded to the module and she did not observe any loss of consciousness.

On December 18, 2012, we contacted and interviewed Nurse **JAVIER RAMOS,** #[redacted], at Twin Towers Correctional Facility. The interview was digitally recorded and the following is a synopsis.

Mr. Ramos stated back in 2009 he worked at Men's Central Jail. He was assigned on the morning shift. Mr. Ramos said he did not recall responding to the incident or recall Mr. [redacted] We showed Mr. Ramos a picture (**Exhibit J**) of Mr. [redacted] and he could not recall specifically coming in contact with him.

Exhibit G contains seven photographs depicting the area of the incident and view from different areas inside the module. In an effort to assist the reader, we will provide information about each photograph. The Picture #1 depicts the wall leading to the doorway to the "trustee dorm." This wall is in front of the sallyport and module 3500 control booth. The Picture #2 depicts the view from inside module 3700, row "a," possibly cell three. The Picture #3 depicts module 3700, row "a" from the row, closest to the cell bars. The Picture #4 depicts module 3700, row "a" from the center of the row and possibly by cell two. The Picture #5 depicts module 3700, row "a" from the row bars by the telephone on the row. The telephone is at the front of the row, in front of cell one. This picture also has a view of the wall from Picture #1 in **Exhibit G**, as well

as the door leading to the trustee dorm. Pictures #6 and #7 depict a close up from the row bars of row "a," module 3700, looking toward the door of the trustee dorm which is located in front of module 3500.

> **Investigator Note: Exhibit G** photographs were submitted with the first investigation by Sergeant Graves and Sergeant Gonzalez. Our description of each photograph is based on our interpretation of how the photographs relate to the physical configuration of module 3700, row "a."

BY: SERGEANT WARGO [redacted] DETECTIVE JUAN BRISENO [redacted]
APPROVED BY: LT. [redacted], # [redacted], 1104 **, HRS.** 1/22/13
INTERNAL CRIMINAL INVESTIGATIONS BUREAU
OFFICE OF THE SHERIFF

R. Perez